
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 18 - 25

**AN ORDINANCE AMENDING THE VILLAGE CODE TO ALLOW VIDEO GAMING
IN THE VILLAGE PURSUANT TO THE ILLINOIS VIDEO GAMING ACT AND
VILLAGE VIDEO GAMING AND LIQUOR REGULATIONS**

Passed by the Board of Trustees, August 9, 2018

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VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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Village Clerk

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WHEREAS, the Village of Harwood Heights (the "Village") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, in 2009, the Illinois General Assembly passed the Video Gaming Act (230 ILCS 40/1 *et seq.*) (the "Act") permitting video gaming in certain licensed establishments, subject to certain conditions and criteria; and

WHEREAS, the Village presently prohibits video gaming pursuant to Section 27 of the Act (230 ILCS 40/27); and

WHEREAS, the Village Board finds that a growing number of its business owners desire the legalization of licensed video gaming in the Village in accordance with limitations set forth herein, that the benefits of carefully implemented video gaming to those residents and business owners outweighs negative externalities, and that the potential revenue derived from video gaming and associated terminal fees will help improve the Village's finances; and

WHEREAS, Article IV of the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, *et seq.*, authorizes the corporate authorities of the Village to license and regulate the sale of alcoholic

liquor within the Village, to determine the number, kind and classification of local liquor licenses, establish fees for such licenses, and to regulate establishments that sell and dispense alcoholic beverages; and

WHEREAS, the Village Board hereby finds and determines that limiting video gaming operations to licensed establishments that have been in continuous operation in the Village for at least three (3) years and have maintained existing liquor licenses in continuous good standing for an extended period of time and have been otherwise compliant with Village ordinances will protect and promote the health, safety and welfare of Village residents and visitors by ensuring that video gaming premises have established ties to the community and local law enforcement, a demonstrated ability and willingness to comply with Village regulations, and that such premises have independent, bona fide business purposes other than the mere operation of video gaming operations; and

WHEREAS, the Village Board is concerned about the potential negative impacts that a congregation of video gaming establishments would have on the Village, including without limitation, the potential for crime due to a concentrated area of video gaming operations, adverse impacts on property values due to a concentrated area of video gaming operations, and visual blight stemming from a close concentration of video gaming operations; and

WHEREAS, the Village Board finds it to be in the best interests of the Village to regulate video gaming terminals in accordance with the Act, the rules of the Illinois Gaming Board (“Rules”) and to establish other regulations regarding the installation, use, and operation of video gaming terminals pursuant to its home rule powers and authority to regulate the sale of alcoholic liquor and establish license classifications regarding the same.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

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. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 2. Exceptions to Gambling Offenses. Title 9 ("Public Peace and Safety"), Chapter 9.04 ("Offenses Against Public Peace and Safety") of the Harwood Heights Village Code of Ordinances, shall be, and hereby is amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

9.04.060 - Gambling offenses.

A. Delivering Wagers or Bets.

1. It is unlawful to engage in the business of delivering wagers or bets. It is unlawful to keep or maintain any premises within the village for the purpose of receiving, delivering or transmitting wagers or bets. The maintenance of any such premises is declared to be a public nuisance.
2. It is unlawful to engage in the business of accepting or delivering wagers or bets for the purpose of or with the intent to deliver such wagers or bets to horse race tracks. The business of operating such a race track betting service or race track messenger service is declared to be a public nuisance.
3. **Notwithstanding the foregoing, it shall not be a violation of Section 9.04.060 to participate in any of the following activities:**
 - a. **The game commonly known as "bingo", when conducted in accordance with "an act making lawful the conducting of bingo by certain**

nonprofit organizations, requiring licensing and prescribing regulations therefore";

- b. Lotteries when conducted by the State in accordance with the "Illinois Lottery Law", enacted by the 78th General Assembly;
- c. Raffles and chances conducted by a non-profit organization with a Village raffle license issued pursuant to Title 4, Article 29 of the Village Code and operating in accordance with the Illinois Raffles and Poker Runs Act, 230 ILCS 15/1, et seq, as amended from time to time.
- d. Video gaming, when conducted in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., as now or hereafter amended, regulations adopted by the Illinois Gaming Board, licensed pursuant to and operating in accordance with Title 4 ("Business Licenses and Regulations"), Chapter 4.28 ("Other Businesses"), Article 30 ("Video Gaming"), and by the holder of a valid Class A-V, F-V, or F1-V liquor license.

- B. Penalty. Any person who violates any provision of this section shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) each day such violation is permitted to continue constituting a separate offense, subject to imprisonment for not more than six months, or both.

SECTION 3. Video Gaming. Title 4 ("Business Licenses and Regulations"), Chapter 4.28 ("Other Businesses") of the Harwood Heights Code of Ordinances is hereby amended with the addition of Article 30 ("Video Gaming"), which reads as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~):

Title 4 ("Business Licenses and Regulations")

Chapter 4.28 ("Other Businesses")

Article 30 ("Video Gaming")

4.28.1500 – Video Gaming Permitted.

- A. Video gaming, as defined by the Illinois Video Gaming Act, 230 Illinois Compiled Statutes 40/1 et seq., is permitted in the Village subject to the provisions of this Article.**
- B. No video gaming terminals, activities or operations are permitted within the Village, except pursuant to the issuance of a Class V liquor license to the holder of a Class A, A-1, F and F-1 liquor license as set forth in Section**

4.12.050. A supplementary Class V liquor license shall authorize holders of a Class A, A-1, F and F-1 liquor license to have and operate video gaming terminals upon the licensed premises upon receipt of a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act, 230 Illinois Compiled Statutes 40/1 et seq.

- C. No video gaming terminals, activities or operations are permitted within the Village except pursuant to the issuance of a valid gaming terminal license for each video gaming terminal as set forth in Section 4.28.1510.

4.28.1510 – Video Gaming Terminal License Required; Application.

A Class V licensed establishment must apply for and obtain a valid gaming terminal license from the Village President for each video gaming terminal to be operated on a licensed premises. A site plan for the premises providing information about the location and operation of the video gaming terminals must be submitted with the application, along with a copy of the licensee's State video gaming license issued by the Illinois Gaming Board, and payment of the gaming terminal fee required by this Article.

4.28.1520 – Fees.

An annual fee of \$1,000.00 is hereby imposed on each video gaming terminal operated within the Village. The annual fee for each terminal must be paid at the time of submission of an application for a video gaming license, and annually thereafter. Following issuance, each video gaming terminal license shall terminate the following April 30. No prorations are allowed for partial year video gaming terminal applications other than a reduced \$250.00 per-terminal license fee shall be due if the application for a video gaming license is submitted after February 1 of the license year.

4.28.1530 – Privilege.

A video gaming license is purely a personal privilege and does not constitute property nor is it transferable.

4.28.1540 – Regulations.

The following regulations apply to all licensed establishments operating a video gaming terminal on the licensed premises:

- (a) A valid State video gaming license must be clearly displayed at all times.
- (b) Valid Village video gaming terminal license must be clearly displayed at all times.
- (c) No more than five (5) video gaming terminals may be located on the licensed premises.
- (d) All video gaming terminals must be located in an area restricted to persons over 21 years of age. No licensed establishment, or its

employee or agent may permit any person under the age of 21 years to be within the restricted area. Licensed establishments that admit individuals under the age of 21 must have the video gaming restricted area separated from the rest of the premises by a constructed divider that shields gaming machines from view of seated patrons outside the restricted area. The entrance to the restricted area must be within the view of at least one (1) employee of the establishment who is over 21 years of age. Each underage person located within the restricted area constitutes a separate and distinct violation of this subsection.

- (e) No licensed establishment, or its employee or agent may permit any person under the age of 21 years to use, play, or operate a video gaming terminal. Each underage person playing a video gaming terminal constitutes a separate and distinct violation of this subsection.
- (f) It is unlawful for any person under 21 years of age to play or operate a video gaming terminal. The fine for violating this subsection shall be \$750.00 per offense, imposed against the individual violating this subsection.
- (g) Signage must be posted at the entrance to, and inside of, the designated gaming area in accordance with the regulations adopted by the Illinois Gaming Board.
- (h) The licensed establishment must fully comply with all applicable Village ordinances, including the Village's liquor control regulations, as well as any applicable Federal and State laws and regulations.
- (i) The licensed establishment must fully comply with the Illinois Video Gaming Act, as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board.
- (j) Licensed establishments must immediately notify the Village President 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 State video gaming license shall automatically result in the revocation, loss, or suspension of the Village video gaming license for all video gaming terminals without any refund of any fee.
- (k) An owner, manager, or employee over the age of 21 must be present during all hours of operation when video gaming terminals are available for use by the public.
- (l) Video recording and monitoring equipment shall be installed and maintained in good working order in the licensed premises pursuant to specifications as determined from time to time by the Chief of Police or his or her designee and shall continuously record the restricted area containing video gaming terminals during all hours of operation. Video recordings shall be stored and maintained for a period of at least sixty (60) days and must

be accessible to the Chief of Police or his or her designee upon request at anytime. A written notice that "video gaming operations are video recorded" shall be posted at the entrance to the restricted area. Licensees who have video gaming terminals shall record all persons entering or leaving the building, the operation and playing of all video gaming terminals, and all payouts/distributions of winnings from gaming activities.

- (m) The licensed establishment shall prevent access to video gaming terminals by persons who are visibly intoxicated.
- (n) On-premises exterior signage by the licensee pertaining to video gaming is limited to one single-faced sign or one double-faced sign not to exceed 11" x 17" placed in or on a window stating, in block lettering no larger than six inches (6"), "VIDEO GAMING." Such sign shall not feature any flashing, blinking or intermittent lights.
- (o) Upon receipt of proof of the issuance of an Illinois video gaming license, the issuance of a Class V Village liquor license, and payment of all appropriate fees, the Village shall issue Village of Harwood Heights video gaming terminal stickers, which shall be affixed to each video gaming terminal in a conspicuous place and shall be clearly displayed at all times on each video gaming terminal. Video gaming stickers shall not be transferable. It is unlawful to operate a video gaming terminal in the Village without a valid video gaming terminal sticker affixed thereon.
- (p) Each licensed terminal operator must be an Illinois resident or have performed business continuously within Illinois for a period of forty eight (48) months prior to the effective date of the Video Gaming Act.
- (q) A video gaming terminal operator may not be a video gaming terminal manufacturer or distributor. An owner or manager of a licensed video gaming location may not be a video gaming terminal manufacturer or distributor.
- (r) A burglar alarm system shall be installed and maintained in good working order in the licensed premises. The burglar alarm system shall alert the licensed premises' alarm system monitor who will in turn promptly notify the Village Police Department in instances of unpermitted entry into the licensed premises. Alarm systems operating within the Village shall have an alarm permit issued by the Village and such system shall be approved by the Chief of Police.
- (s) No building housing a video gaming terminal shall be located within one hundred (100) feet of another building housing a video gaming terminal. This distance separation requirement shall be measured to the nearest corner of the building or leased space housing the video gaming terminal to the nearest corner of the building or leased space housing another video gaming

terminal. No license shall be issued if the Village determines that this distance separation requirement is not met.

4.28.1550 – Video Gaming Cafés.

Notwithstanding any provision to the contrary, video gaming cafes are not permitted in the Village. The Village intends that in the event any provision of the Village Code conflicts with the prohibition on video gaming cafes, the more restrictive provision shall apply. A “video gaming café” is defined for purposes of this Section as an establishment whose primary or a major focus is video gaming, and the service of alcohol and food is secondary to the video gaming operation. The following factors may be considered when determining if a proposed or operating establishment is a video gaming cafe:

- (a) the layout and design of the establishment;
- (b) the preparation and variety of food and beverages offered;
- (c) the creation and operation of a commercial kitchen on the premises where gaming is situated or a partnership with an establishment that operates a commercial kitchen;
- (d) whether the number of video gaming machines relative to the customer seating capacity of the establishment is less than 10 customer seats to 1 machine;
- (e) whether the square footage of space devoted to video gaming relative to the amount of space devoted to other activities is less than 4 square feet for non-gaming to 1 square feet for gaming;
- (f) the percentage of proposed or actual revenue derived from food and beverage sales as a percentage of total gross revenues for the establishment on an annual basis based on audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Village;
- (g) whether the establishment is proposed to be marketed as a gaming establishment or have a gambling theme;
- (h) the number of employees at the establishment and their proposed function; and
- (i) any other factors as deemed relevant by the Village President.

4.28.1560 – Compliance.

The Village and its agents must be allowed unrestricted access to enter the licensed establishment to determine compliance with this Article and the Illinois Video Gaming Act.

4.28.1570 – Penalties.

A. It shall be unlawful for any person to violate any provision of this Article 30. Except as otherwise specifically provided herein, any person found liable at a hearing or following opportunity for a hearing of violating or opposing the enforcement of any provision of this Article 30, any provision of other Village ordinances, or any applicable State or Federal law or regulation shall, upon entry of a finding of liability, be subject to the following penalties:

- 1. First offense in 12-month period – 72-hour gaming terminal license suspension and \$1,000 fine;**
- 2. Second offense in 12-month period – 72-hour gaming terminal license suspension and \$1,500 fine;**
- 3. Third offense in 12-month period – Revocation of gaming terminal license and \$2,000 fine.**

A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. The foregoing penalties are in addition to any criminal or civil penalties which might be prosecuted by the Village or others. In addition, any and all licenses issued to the licensee, including without limitation a Class V Village liquor license, may be subject to suspension or revocation as provided by the Village Code or by law.

B. Notwithstanding the foregoing, no video gaming terminal license shall be revoked or suspended, however, until a public hearing has been conducted by the Village President, with a 3 day written notice to the licensed establishment to the licensee or the licensee's manager of the licensed premises. No hearing will be required, however, to revoke or suspend a Village video gaming terminal license for an establishment that has its State video gaming license revoked or suspended.

C. The local liquor control commissioner may treat any violations of the provisions of Article 30 of this Code as a violation of the operator's Village liquor license and proceed accordingly with respect to the enforcement authority over the operator's liquor license. In addition to all penalties authorized in this section, should the liquor license of the establishment be suspended or revoked, then, and in that event, the video gaming license of the establishment shall likewise be suspended or revoked concurrently. In the event of a revocation or denial of any license or registration under this section, such person shall not be issued any license provided for in this section for one calendar year following the revocation or any appeal thereof.

SECTION 4. Fees. Title 4 (“Business Licenses and Regulations”), Chapter 4.12 (“Alcoholic Beverages”), Section 4.12.050 (“Fees”) of the Harwood Heights Village Code of

Ordinances, shall be, and hereby is amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

4.12.050 – License Classifications.

A. Licenses required herein shall be and are divided into ~~seven~~ **ten** classes:

1. Class A – **Full Service Restaurant/Tavern**: Class A licenses shall authorize the retail sale of alcoholic liquor, **as defined in Section 4.12.010 of this Code**, to the public generally, as distinguished from members of any particular organization, on the premises specified, which shall include outdoor seating areas. The one-time application **and annual** fees shall **be as set forth in Table 4.12.055**. **Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class A licensed premises without the licensee additionally obtaining a Class V license. Class A licensees are eligible to apply for a supplemental Class V liquor license, subject to the criteria, qualifications and regulations for Class V licenses set forth in Section 4.12.050(A)(8).**
- 1.5. Class A-1 – **Beer & Wine Only – Food Service**: Class A-1 licenses shall authorize the retail sale of alcoholic beverages limited to beer and wine, as those terms are defined in Section 4.12.010 of this Code, to the general public, as distinguished from members of any particular organization, for consumption only on the premises specified, which shall include outdoor seating areas, provided that such sales shall be in conjunction with the sale of food for consumption on the premises. The licensed establishment shall have a food service component of the business including, at a minimum, a variety of appetizers, hors d'oeuvres or small plates, which is operational during all hours of sale and service of beer and wine. The licensed establishment shall have a printed menu on display and in effect. All beer and wine service shall be at tables or booths. No bar or lounge shall be available for customer use. The sale of wine or beer for off premise consumption or through a drive-through window is expressly prohibited. The one-time application **and annual** fees shall be **as set forth in Table 4.12.055**. **Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class A-1 licensed premises without the licensee additionally obtaining a supplemental Class V license. Class A-1 licensees are eligible to apply for a Class V liquor license, subject to the criteria, qualifications and regulations for Class V licenses set forth in Section 4.12.050(A)(8).**
2. Class B – **Package Sales**: Class B licenses shall authorize the retail sales of alcoholic liquors, **as defined in Section 4.12.010 of this Code**, but not for consumption on the premises where sold. The one-time application **and annual** fees shall be **as set forth in Table 4.12.055**. A holder of a Class B license may apply for a supplemental Class G license, which shall authorize bona fide tasting as defined in Section 4.12.010 in connection with the sale of alcoholic liquor in its original package to holders of a Class B license. **Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class B**

licensed premises. Class B licensees are ineligible for a supplemental Class V license.

3. Class C – **Club**: Class C licenses shall authorize the retail sale of alcoholic liquors, **as defined in Section 4.12.010 of this Code,** for consumption on the premises of a "club," as defined in Section 4.12.010 of this chapter. The one-time application and annual fees shall be **as set forth in Table 4.12.055. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class C licensed premises. Class C licensees are ineligible for a supplemental Class V license.**
4. Class D – **Special Event**: Class D licenses shall be issued to not-for-profit organizations, in conjunction with carnivals, bazaars, dances or other similar social gatherings and entertainments, and shall **authorize the retail sales of alcoholic liquors, as defined in Section 4.12.010 of this Code,** be valid for a period of twenty-four (24) hours. The one-time application and daily fees shall be **as set forth in Table 4.12.055. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class D licensed premises. Class D licensees are ineligible for a supplemental Class V license.**
5. Class F – **Restaurant (Separate Service Area)**: Class F licenses shall entitle the licensee to make retail sales of alcoholic liquor, **as defined in Section 4.12.010 of this Code,** for use or consumption upon restaurant premises only, which shall include outdoor seating areas, and only when such alcoholic liquor is prepared for service in a room other than that in which it is to be served or consumed and entirely out of sight of restaurant patrons; provided, however, that unmixed whiskey, unmixed gin, or unmixed rum may be sold or offered for sale at retail for consumption upon restaurant premises at tables in individual serving containers having a minimum capacity of at least one fluid ounce and which contain at the time of sale at least one fluid ounce of the beverage being sold. Class F license shall be issued only to the owner or owners of a licensed restaurant for the retail sale of alcoholic liquor upon such restaurant premises. The one-time application and annual fees shall be **as set forth in Table 4.12.055. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class F licensed premises without the licensee additionally obtaining a Class V license. Class F licensees are eligible to apply for a supplemental Class V liquor license, subject to the criteria, qualifications and regulations for Class V licenses set forth in Section 4.12.050(A)(8).**
- 5.5. Class F-1 – **Brunch**: Class F-1 licenses shall be issued only to the owner or owners of a licensed restaurant for the retail sale of alcoholic liquor, **as defined in Section 4.12.010 of this Code,** for consumption upon such restaurant premises, which shall include outdoor seating areas. Class F-1 liquor licenses are subject to the same eligibility and regulatory restrictions as Class F liquor licenses, and shall entitle the licensee to the same rights with respect to the sale of alcoholic liquor as the holder of a Class F license, except that it shall additionally grant the licensee the right to sell alcoholic liquor for on-premises consumption between the hours of 9:00 a.m. and 12:00 noon on Sundays (the "expanded hours") in connection with the offering

of a breakfast or brunch buffet or a full breakfast or brunch menu during the expanded hours. All alcoholic liquor must be prepared for service in a room other than that in which it is to be served or consumed and entirely out of sight of restaurant patrons; provided, however, that unmixed whiskey, unmixed gin, or unmixed rum may be sold or offered for sale at retail for consumption upon restaurant premises at tables in individual serving containers having a minimum capacity of at least one fluid ounce and which contain at the time of sale at least one fluid ounce of the beverage being sold. The one-time application **and annual fees shall be as set forth in Table 4.12.055. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class F-1 licensed premises without the licensee additionally obtaining a Class V license. Class F-1 licensees are eligible to apply for a supplemental Class V liquor license, subject to the criteria, qualifications and regulations for Class V licenses set forth in Section 4.12.050(A)(8).**

6. Class G license - **Tasting**: Class G licenses shall authorize the bona fide tasting of alcoholic liquor as that term is defined in Section 4.12.010 **of this Code** in connection with the sale of alcoholic liquor in its original package to holders of a Class B license as follows:
- a. The tasting of samples of alcoholic liquor permitted to be sold shall be permitted on the licensed premises during authorized hours of business, but in no event shall such tastings take place outside of the normal business hours of the licensed premises.
 - b. Samples of alcoholic liquor may not exceed the following amounts:
 - (i) Distilled spirits: one-quarter ounce.
 - (ii) Wine: one ounce.
 - (iii) Beer: two ounces.
 - c. No more than three samples in the amounts set forth above, may be served to a single consumer in one day.
 - d. Tasting may only be performed under the supervision of a Class G liquor licensee or by a tasting representative registered by the Illinois Liquor Commission pursuant to Section 100.40 of Title 11 of the Illinois Administrative Code, 11 Ill. ADC 100.40.
 - e. Tasting shall be conducted in a manner which will confine the consumption on the premises solely for the purpose of providing samples in connection with anticipated sales.
 - f. All servers at tastings must be BASSET-certified.
 - g. All tastings shall be conducted in accordance with 235 ILCS 5/6-31, the Village Code, and regulations now in force or hereinafter established by the Illinois Liquor Commission governing "product sampling" or "tasting." To the extent that such laws, ordinances or regulations differ, the most restrictive provision shall govern.

- h. A holder of a Class B license may apply for a Class G license, for use in conjunction with, and on the same premises as the Class B license. To qualify for a supplemental Class G license, the holder of a Class B license must present evidence that:
 - (i) The location and physical arrangements for tasting are adequate, including, without limitation, considerations such as the overall size of the premises and the percentage of the premises devoted to tasting; a determination as to the suitability of the location and physical arrangements for tasting shall be within the sole discretion of the liquor commissioner; and
 - (ii) Supervision of tasting will be continuous during the times when tasting is allowed by someone who is not involved in other transactions within the establishment, which supervising person must be the Class G liquor licensee or a tasting representative registered by the Illinois Liquor Commission pursuant to Section 100.40 of Title 11 of the Illinois Administrative Code, 11 Ill. ADC 100.40.
 - i. The one-time application **and annual fees** shall be **as set forth in Table 4.12.055.**
 - j. **Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class G licensed premises. Class G licensees are ineligible for a supplemental Class V license.**
7. Class H License - **BYO**: Class H license shall permit the consumption of beer and wine only, **as defined in Section 4.12.010 of this Code**, that is brought onto the licensed premises of a restaurant or eating place engaged primarily in selling and serving food by a patron for personal consumption on the premises as a complement to the purchase and consumption of a meal on the premises. The following conditions apply to Class H Licenses:
- a. The licensee shall not allow or permit any persons under the age of 21 to consume any alcoholic liquor on the premises, and licensees shall be liable for violations of this Chapter in the same manner as the holder of any other liquor license classification, including, without limitation, violations for serving minors and serving intoxicated patrons;
 - b. The licensee shall maintain and operate a commercial kitchen on the premises where meals are actually and regularly prepared and offered principally for purchase and consumption on the premises;
 - c. The licensee shall only permit consumption of beer and wine on the premises in conjunction with the purchase and consumption of a meal on the premises;

- d. The licensee shall only allow consumption of beer and wine when the kitchen is open and serving meals to the general public for consumption on the premises;
- e. Patrons may only bring unopened bottles of beer and wine onto the premises;
- f. No more than 36 ounces of beer per patron over the age of 21 or no more than 750 ml of wine per patron over the age of 21 shall be permitted to be brought onto the premises;
- g. The licensee may charge a reasonable corkage fee for each bottle of beer or wine brought onto the premises;
- h. All employees performing corkage duties shall be BASSETT trained;
- i. The licensee shall not permit any patron to leave the licensed premises with an open container of wine or beer except when resealed in accordance with State law;
- j. The licensee shall hold harmless the village, its elected and appointed officials, officers, employees, agents, and representatives from any and all claims or causes of action arising out of the consumption of alcoholic liquor on the premises;
- k. The licensee must obtain and maintain dram shop insurance or an equivalent in a form and amount approved by the Village;
- l. Establishments that possess a valid liquor license issued by the Village pursuant to this Code are ineligible to apply for or receive a Class H License.
- m. The one-time application and annual fees shall be as set forth in Table 4.12.055.
- n. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class H licensed premises. Class H licensees are ineligible for a supplemental Class V license.

8. Class V – Video Gaming: Class V licenses shall be supplemental in nature and shall only be issued to the holder of a Class A, Class A-1, Class F, or Class F-1 license. A Class V license shall authorize the retail sale of alcoholic liquor, as defined in Section 4.12.010 of this Code, for consumption on the premises where the operation of video gaming is conducted. In addition to the rights with respect to the sale and service of alcoholic liquor for on-premises consumption afforded by the underlying Class A, A-1, F, or F-1 license, a Class

V license shall additionally authorize Class V licensees to operate video gaming terminals upon the licensed premises , subject to the following:

- a. **In addition to any other eligibility criteria for a Class V liquor license set forth hereinabove or incorporated by reference, any applicant for a Class V license must at the time of initial application or renewal:**
 - (1) **be the holder of a current, valid video gaming license that has been issued by the Illinois Gaming Board; and**
 - (2) **have held a Village of Harwood Heights Class A, A-1, F, or F-1 liquor license and have been in good standing and continuous operation within the Village for no less than thirty-six (36) consecutive months; and**
 - (3) **not have had its Class A, A-1, F, or F-1 license suspended or revoked by the Village or its liquor license suspended or revoked by the State of Illinois for a period of at least thirty-six (36) months; and**
 - (4) **not owe the Village any outstanding sums of money; and**
 - (5) **demonstrate that at least seventy-five percent (75%) of proposed or actual revenue for the licensed premises is derived from food and beverage sales as a percentage of total gross revenues for the licensed premises on an annual basis in the year prior to the initial application or renewal based on audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Liquor Commissioner; and**
 - (6) **that the premises must be a minimum of 1,700 square feet; and**
 - (7) **the premises subject to the application for a Class V license shall not be located within one hundred (100) feet of another premises subject to a Class V license. This distance separation requirement shall be measured to the nearest corners of the building or leased spaces housing the Class V licensees. No license shall be issued if the Village determines that this distance separation requirement is not met.**
- b. **All video gaming operations must be conducted pursuant to and in strict accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., all rules, regulations and restrictions imposed by the Illinois**

Gaming Board, all requirements of Article 30 (“Video Gaming”) of Chapter 4.28 of Title 4 of the Village Code, and the regulations of this Section 4.12.050(A)(1.25) of the Village Code and its subparts; and

- c. **Video gaming terminals may only be operated during such times as the holder of the liquor license hereunder is authorized to serve alcohol; and**
 - d. **Any denial, revocation or suspension of an Illinois video gaming license by the Illinois Gaming Board or of a video gaming terminal license by the Village shall constitute a revocation or suspension of a Class V license for the same period, provided however, that a Class V licensee subject to an automatic revocation or suspension of its Class V license due to such denial, revocation or suspension of video gaming privileges shall continue to enjoy the rights and privileges of its underlying Class A, A-1, F, or F-1 liquor license for the duration of such suspension or revocation.**
 - e. **The one-time application and annual fees for a Class V license shall be as set forth in Table 4.12.055.**
- B. There shall be no apportions of such fee for fractions of a year, nor shall there be any refund in case of a revocation of the license.
- C. All applications shall be accompanied by a nonrefundable fee for each fingerprint check and background investigation of the applicant and each additional individual, authorized agent or manager for which an investigation must be conducted. Background investigation fees are in addition to the yearly license fee and will be determined as needed by the liquor commissioner and approved by the village board.
- D. Video gaming, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class G licensed premises. Class G licensees are ineligible for a Class V license.**

SECTION 5. Fees. A new Table 4.12.055 shall be, and hereby is added to the Harwood Heights Village Code of Ordinances, as follows:

Table 4.12.055 – Table of License Fees & Number of Licenses.

<u>Classification</u>	<u>Non-Refundable One-Time Application Fee</u>	<u>Annual Fee</u>	<u># Issued</u>

A	\$1,500	\$2,000	12
A-1	\$1,500	\$1,500	2
B	\$1,000	\$1,500	12
C	\$500	\$1,500	1
D	\$50	\$25/day for beer, \$5 additional for wine/spirits	1
F	\$1,500	\$2,000	4
F-1	\$1,500 (waived for holders of current F license)	\$2,000 (waived for holders of current F license)	1
G	\$250	\$250	2
H	\$75	\$150	3
V	\$1,000	\$1,000	10

SECTION 6. Number of Licenses. Title 4 (“Business Licenses and Regulations”), Chapter 4.12 (“Alcoholic Beverages”), Section 4.12.070 (“Number of Licenses to Be Issued”) of the Harwood Heights Village Code of Ordinances, shall be, and hereby is amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~):

4.12.070 - Number of licenses to be issued.

- A. There shall be no more than twelve (12) Class A licenses issued and outstanding at one time.

- B. There shall be no more than twelve (12) Class B licenses issued and outstanding at any one time.
- C. There shall be no more than one (1) Class C licenses issued and outstanding at one time.
- D. There shall be no more than one (1) Class D licenses issued and outstanding at one time.
- E. ~~There shall be no more than five Class E licenses issued and outstanding at one time.~~
- F. There shall be no more than four (4) Class F licenses issued and outstanding at one time. See Section 4.12.050(A)(5.25)(g) of the Code for automatic reduction in event of issuance of Class A-V license.
- G. There shall be no more than two (2) Class G licenses issued and outstanding at one time.
- H. Class A-1: There shall be no more than two (2) Class A-1 licenses issued and outstanding at any one time.
- I. Class F-1: There shall be no more than one (1) Class F-1 license issued and outstanding at any one time.
- J. Class H: There shall be no more than ~~one~~ three (3) Class H licenses issued and outstanding at any one time.
- K. Class V: There shall be no more than ten (10) Class V licenses issued and outstanding at any one time.**

SECTION 7. SUNSET CLAUSE. This Ordinance shall be automatically repealed on April 30, 2023 unless reauthorized by an Ordinance enacted by the Village Board.

SECTION 8. RESOLUTION OF CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 10. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 11.

EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

VOTES

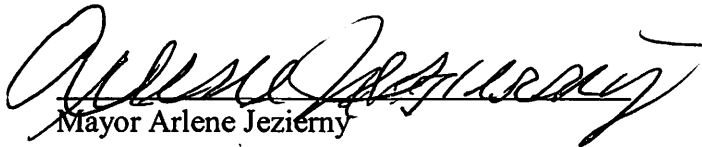
AYES: Trustee Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Lewandowski

NAYS: Trustee Schuepfer

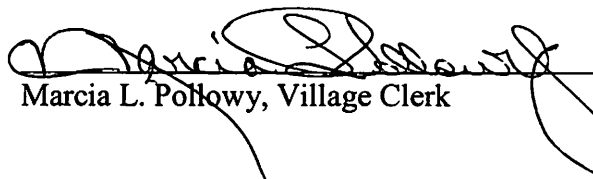
ABSENT:

ABSTAIN: Trustee Zerillo

Passed and Approved this 9th day of August, 2018.


Mayor Arlene Jezierny

ATTEST:


Marcia L. Polowy, Village Clerk

4810-6738-4943, v. 1

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 18-25 entitled:

**AN ORDINANCE AMENDING THE VILLAGE CODE TO ALLOW VIDEO GAMING
IN THE VILLAGE PURSUANT TO THE ILLINOIS VIDEO GAMING ACT AND
VILLAGE VIDEO GAMING AND LIQUOR REGULATIONS**

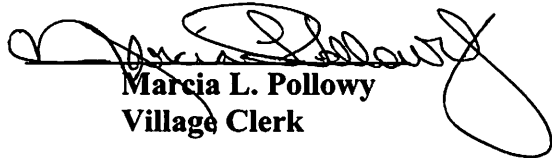
Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 9th day of August, 2018.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 10th day of August, 2018.




Marcia L. Pollowy
Village Clerk

DECLARATION

I, the undersigned, do hereby declare that the foregoing is a true and correct copy of the original as the same appears in the records of the County of [] State of []

Witness my hand and seal of office this [] day of [] 19[]

Notary Public for the State of []
My Commission Expires []

Subscribed and sworn to before me this [] day of [] 19[]

My Commission Expires []

Notary Public for the State of []

My Commission Expires []

[Handwritten Signature]
[Illegible text]

