

**AN ORDINANCE AMENDING CHAPTER 6 ENTITLED "ALCOHOLIC BEVERAGES"
OF THE ROLLING MEADOWS CODE OF ORDINANCES TO PROHIBIT
THE SALE OF MOTOR FUEL IN CONJUNCTION WITH VIDEO GAMING**

WHEREAS, the corporate authorities find it advisable, necessary and in the best interest of the City to revise its City Code regarding alcoholic beverages to amend the regulations to specifically prohibit the sale of motor fuel in conjunction with video gaming in the City of Rolling Meadows.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1. Subsections (a), (b), (c), (g), (k) and (l) of Section 6-36, entitled "Classification of licenses for retail sale," of Article II, entitled "Licenses," of Chapter 6, entitled "Alcoholic Beverages," of the Code of Ordinances of the City of Rolling Meadows is hereby amended to read as follows:

Sec. 6-36. - Classification of licenses for retail sale.

- (a) Class A1 licenses shall authorize the retail sale on premises of alcoholic liquors for consumption on premises, but no such license shall be issued to any person, firm, corporation, or partnership unless a restaurant is operating on the same premises, place or location for which the said alcoholic liquor license is applied. No alcoholic liquor other than beer shall be sold by any class A1 license holder for consumption off the premises. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). Class A1 license holders may permit social dancing on the premises by patrons only. In addition, class A1 license holders may provide live music on the premises. Motor fuel may not be sold by any class A1 license holder. Video gaming cafes (licensed as class GC) may not operate under a class A1 license. The primary or major focus of a class A1 establishment shall be the service of alcohol and food and video gaming must be incidental to the service of alcohol and food.
- (b) Class A2 licenses shall authorize the retail sale on premises of alcoholic liquors for consumption on premises, but no such license shall be issued to any person, firm, corporation, or partnership unless a restaurant is operating on the same premises,

place or location for which the said alcoholic liquor license is applied. No alcoholic liquor other than beer shall be sold by any class A2 license holder for consumption off the premises. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). There shall be no dancing on the premises of any class A2 license holder, unless said premises are rented for a specific day by the holder of a class C license, as defined in this chapter. Motor fuel may not be sold by any class A2 license holder. Video gaming cafes (licensed as class GC) may not operate under a class A2 license. The primary or major focus of a class A2 establishment shall be the service of alcohol and food and video gaming must be incidental to the service of alcohol and food.

- (c) Class A3 licenses shall authorize the retail sale of alcoholic liquor on the premises designated therein, not operated as a restaurant, for consumption on such premises only other than beer; provided, however, nothing herein shall be deemed to prohibit the licensee from offering light food service, so long as such food service is incidental to and not a major part of the primary business of the licensee. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No class A3 license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of high learning, hospital, home for aged or library. Motor fuel may not be sold by any class A3 license holder. Video gaming cafes (licensed as class GC) may not operate under a class A3 license. The primary or major focus of a class A3 establishment shall be the service of alcohol and video gaming must be incidental to the service of alcohol.

- (g) Class D licenses shall authorize the retail sale on the premises specified of wine and beer only for consumption on the premises, but no such license shall be issued to any person, firm, corporation, or partnership unless a restaurant is operating on the same premises, place, or location for which the said alcoholic liquor license is applied. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No wine shall be sold by any class D license holder for consumption off the premises. There shall be no dancing on the premises of any class D license holder. Motor fuel may not be sold by any class D license holder. Video gaming cafes (licensed as class GC) may not operate under a class D license. The primary or major focus of a class D establishment shall be the service of alcohol and food and video gaming must be incidental to the service of alcohol and food.

- (k) Class GA (Gaming Accessory) license is a supplemental license that shall authorize a license holder of a Class A1, Class A2, Class A3, or Class D license, in good

standing, to operate on the licensed premises video gaming devices that are incidental to the primary use of the premises; subject to the following:

- (1) Video gaming cafe/video gaming lounges may not operate under a class GA license. The primary or major focus of a class GA establishment shall be the service of alcohol and/or food and video gaming must be incidental to the service of alcohol and/or food.
 - (2) It is required that the video gaming area of a GA-licensed establishment be separated from the other area of the establishment by a partition wall consisting of a four-foot solid and permanent/stable material such as wood, paneling, or finished or painted dry wall visual barrier for the lower half and lattice or design blocks for the upper half. By each video gaming machine there must be a table, cabinet, or shelf so drinks and food are not placed on the floor or on the machine.
 - (3) The operation of video gaming terminals shall be not be permitted during the hours alcoholic liquor sales are prohibited.
 - (4) There shall be no more than twelve (12) GA-licensed establishments in the City of Rolling Meadows at any one time. This cap on the number of GA-licensed establishments shall in no way obligate the City to grant, or limits its ability to deny, a GA license, even if the City has not reached this designated cap on GA-licensed establishments.
 - (5) A class GA-licensed establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act (230 ILCS 40/1 et seq.) prior to the application for a class GA license with the City and shall comply with all provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
 - (6) The loss of the establishment's class A1, class A2, class A3, or class D license, results in the loss of the class GA license.
 - (7) Motor fuel may not be sold by any class GA license holder.
- (1) Class GC (Gaming Café) license shall authorize the retail sale of alcoholic liquor in video gaming cafes/video gaming lounges for consumption on the premises, and authorize the operation of video gaming devices upon the licensed premises, subject to the following:
- (1) A class GC licensed premises shall only be located in the C-1, C-2 or C-3 commercial zoning district of the City, and in the geographic areas generally described in section 122-29(d)(12) of the City's Zoning Ordinance and identified on the Gaming License Map maintained by the City. The class

GC license shall also be subject to the maximum number of Video Gaming Cafes for each area as set forth in section 122-29(d)(12) of the City's Zoning Ordinance.

- (2) Each GC licensed premises shall comply with all regulations set forth in Section 122-29 of the City Zoning Code.
- (3) Window and door signage on a GC-licensed establishment shall not take up more than 30% of the gross area of each window and door. All other signs shall comply with all City sign regulations.
- (4) The City shall issue no more than five (5) class GC licenses. This cap on the number of GC-licensed establishments shall in no way obligate the City to grant, or limits its ability to deny, a GC license application, even if the City has not reached this designated cap on GC-licensed establishments.
- (5) There shall be no more than one (1) GC-licensed establishment in any commercial building designated to accommodate multiple businesses.
- (6) The GC-licensed establishment must maintain a commercial-grade cooking device and the beverage and food offerings of a GC-licensed establishment shall include a variety of non-alcoholic beverages and food items, in accordance with the regulations set forth in Section 122-29(d) of the City's Zoning Code. A menu of all food offerings must be submitted as part of the license application and will be subject to approval by the Mayor, as the Local Liquor Commissioner.
- (7) A class GC-licensed establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act (230 ILCS 40/1 et seq.) prior to the application for a class GC license with the City prior to operation of the establishment and shall comply with all provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- (8) It is required that the video gaming area of a GC-licensed establishment be separated from the other area of the establishment by a partition wall consisting of a four-foot solid and permanent/stable material such as wood, paneling, or finished or painted dry wall visual barrier for the lower half and lattice or design blocks for the upper half. By each video gaming machine there must be a table, cabinet, or shelf so drinks and food are not placed on the floor or on the machine.
- (9) The operation of video gaming terminals shall be not be permitted during the hours alcoholic liquor sales are prohibited.

- (10) A special use permit shall be required in order to operate a class GC-licensed establishment.
- (11) At the time of the class GC licensee's application for a subsequent renewal license and no sooner than 9 months after the establishment has been in operation, the GC-licensed establishment shall have the opportunity to present information to the City Manager indicating the establishment is not operating as a Video Gaming Café as set forth in section 6-34(12) of the City Code and section 122-29 of the City Zoning Ordinance, but instead operates with video gaming as an accessory to the establishment. The information must be presented to the City Manager at least 30 days prior to the issuance of the renewal license and must be supported by credible evidence establishing that the premises is not primarily used for video gaming, and must include financial information regarding revenues allocated to gaming and revenues allocated for food and beverage. If the evidence presented clearly shows that the establishment is not operating as a Video Gaming Café, the City Manager will provide a written recommendation to the Mayor, as the Local Liquor Commissioner, that such license be converted to a class GA license. The Local Liquor Commissioner shall make the final determination as to whether the renewal license shall be granted under the class GA license or the class GC license.

(12) Motor fuel may not be sold by any class GC license holder.

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Section 3. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

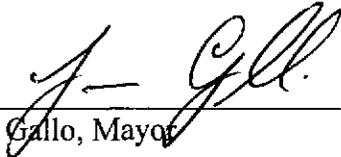
PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 22nd day of September, 2020.

YEAS: D'Astice, Sanoica, Cannon, Budmats, O'Brien, Vinezeano, Bisesi

NAYS: 0

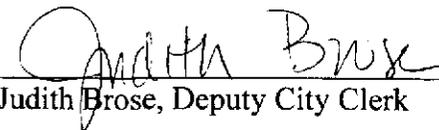
ABSENT: 0

Passed and Approved this 22nd day of September, 2020.



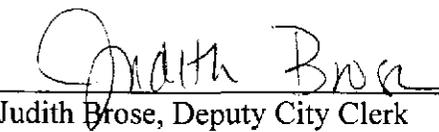
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 23rd day of September, 2020.



Judith Brose, Deputy City Clerk