

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: October 6, 2015

ITEM NO. 3 – Review of changes in operation to allow Video Gaming machines for Krazy Venture, LLC d/b/a Underground Barrel Room & Grill in accordance with Section 2-4-17 of the Carbondale Revised Code

Attached is an application for video gaming terminal licenses from Underground Barrel Room & Grill at 717 South University. The applicant has provided a copy of their Illinois Gaming Establishment License and notification to the Commission regarding this change in operation. Underground Barrel Room & Grill has an A2 liquor license which authorizes a restaurant to sell all alcoholic liquors by the drink.

Due to recent amendments to Section 2-4-17 of the Carbondale Revised Code, Local Liquor Control Commission approval is required for the addition of these machines as the last liquor license renewal application before the Commission did not include video gaming.

Alternative Actions:

The Local Liquor Control Commission may:

APPROVE or DENY the changes in operation for Krazy Venture, LLC d/b/a Underground Barrel Room and Grill.

M _____ 2 _____ to _____

2-4-17: CHANGES IN OPERATION:

A license issued under the provisions of this title shall permit the sale of alcoholic liquor only within the licensed premises described in the application, the nature of business described in the application and as presented to the Liquor Advisory Board and Local Liquor Control Commission, and under the conditions imposed in this title on the particular class of license described therein. Any proposed change or alteration which varies in any manner from that on the date of the approval of the license shall be reported in writing to the Liquor Advisory Board and the Local Liquor Control Commission. Furthermore, a licensee may not materially or substantially alter the licensed premises or operations without first receiving approval by the Local Liquor Control Commission. Examples of such material or substantial changes which must be reviewed by the Local Liquor Control Commission include, but are not limited to:

Addition of entertainment to a licensed establishment including a dance floor, runway, platform, entertainment devices such as pool tables, video gaming, live music and/or performances, and amplified sound;

Elimination or substantial reduction of food service or food service hours for Class A licenses;

Any temporary or permanent change in the configuration of an establishment that would facilitate its ability to exceed its authorized occupancy;

Rental of liquor-licensed facilities to outside businesses, organizations, or promoters;

Interior or exterior structural modifications which would result in the change of occupancy or create, remove, or relocate doors and passages;

Changes in operation which would necessitate additional hiring, contracting, or utilizing security detail; and

Changes that may be or are contrary to the basic rights, restrictions, and nature of the license class under which a licensee operates.

Any change or alteration in the operation of the licensed premises which varies in any manner from that on the date of the issuance of the license shall be reported in writing to the liquor advisory board and the local liquor control commission within ten (10) days. Those changes which are not substantial or of a material nature do not require approval by the Local Liquor Control Commission. If a licensee requires clarification as to whether a proposed alteration requires approval or only notification, the licensee should submit an inquiry in writing to the City Clerk detailing the proposed changes. The City Clerk shall forward the inquiry to the appropriate City staff members, and the City Clerk shall provide a response within two weeks of receiving the inquiry. Failure to report any the proposed change in the premises or operations may result in a suspension or revocation of the license.

Video Gaming

5-6-2: LICENSE REQUIRED:

A. License Required: No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated an amusement arcade, bowling alley, carnival, motion picture theater or pool hall without having first obtained a license to do so.

B. License Displayed: No person shall install, keep, maintain, use, or permit the installation, keeping, maintenance or use of a mechanical musical device or an automatic amusement device not contained in an amusement arcade, unless there is displayed in the establishment a license for the current calendar year posted pursuant to this chapter.

C. License To Be Current: No person shall deliver or install or cause to be delivered or installed an automatic amusement device or a mechanical music device within this city for use by any person from the operation thereof unless there is a license therefor for the current calendar year. (Ord. 98-41)

D. Gambling Devices Prohibited: Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling device whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the state, with the exception of gaming terminals allowed under subsection E of this section.

E. Gaming Terminals: Gaming as allowed under the Illinois video gaming act, may be allowed to those holders of a valid liquor license under title 2 of this code and also hold a state gaming license under the Illinois video gaming act and have purchased a license from the city of Carbondale and are in full compliance with the requirements of this chapter. (Ord. 2012-34)

5-6-17: GAMBLING DEVICES NOT PERMITTED; EXCEPTIONS:

A. Nothing in this chapter shall be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the state, with the exception of video gaming terminals allowed under section 5-6-2 of this chapter.

B. The city specifically allows, within the corporate limits of the city of Carbondale, video gaming terminals licensed by the state of Illinois pursuant to the video gaming act¹ for those who purchase licenses through the city of Carbondale pursuant to section 5-6-2 of this chapter. (Ord. 2012-34)