

CITY OF BATAVIA

TO: Daniel Chanzit, Chairman, Government Services
FROM: Laura Newman, City Administrator
DATE: October 24, 2019, 2019
RE: Expansion of Video Gaming Ordinance to Allow on Premises Video Gaming for Holders of Class E-3 Liquor License

Chapter 3, Title 26 of the City Code regulates Video Gaming Devices in the City of Batavia. 3-26-2 (B) states:

“B. No property owner or person in possession of property in the City shall allow a video gaming terminal to be placed or maintained on the premises unless the premises qualifies as a licensed video gaming location as defined in section 25 of the Video Gaming Act, including liquor establishments having a Class A or D license for consumption on the premises, licensed veterans establishments, licensed truck stop establishments, or licensed fraternal establishments and:...”

The owner of a business holding a Class E-3 (bowling/amusement center) liquor license is requesting an expansion of the Video Gaming Code to allow Class E-3 license holders also to be allowed to have video gaming terminals on their premises, so long as all other requirements of the City of Batavia Video Gaming Code have also been met.

Pursuant to recent amendments to our local zoning code, video gaming is a conditional use for which any new, or expansion of an existing license requires approval by City Council. Therefore, even if Council votes to amend the Video Gaming ordinance to include E-3 liquor license holders, any business owner desiring to place video gaming terminals on their property would need to apply for approval of this conditional use.

There are benefits and potential detriments to allowing this requested expansion. Allowing it provides the owner of a bowling/amusement center the opportunity to earn additional income and to attract additional patrons to the business. The City also receives 6% share of the earnings from the additional machines. Of concern is the substantial presence of minors in such an establishment. However, the same could be said of restaurants geared toward children who hold Class D liquor licenses and are allowed under our current code to apply for a video gaming license. Therefore, so long as all other provisions of the code are met – in particular placing the machines in an area not accessible to patrons under the age of 21 – then this does not seem to be a relevant distinction that would preclude allowing E-3 license holders from also having video gaming.

Of course, it may be that Council prefers there to be no further expansion of video gaming to additional businesses of any type. Otherwise, Staff recommends that City Council allows expansion of Title 3, Chapter 26 Video Gaming Code to allow Class E-3 liquor license holders to be allowed to have video gaming terminals on

their premises, so long as all other requirements of the City of Batavia Video Gaming ordinance have also been met.

Cc: Dan Eul, Chief of Police
Scott Buening, Director of Community Development
Jeff Schielke, Mayor