

ORDINANCE NUMBER 12 - 78

**ORDINANCE AMENDING TITLE XIII: GENERAL OFFENSES,
CHAPTER 137: GAMBLING OFFENSES, TO ALLOW FOR VIDEO
GAMING IN THE VILLAGE OF EAST DUNDEE, ILLINOIS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and,

WHEREAS, the State of Illinois has enacted the Video Gaming Act (230 ILCS 40) pursuant to Public Act 96-34, effective July 13, 2009; and,

WHEREAS, the Act provides for the introduction of video gaming machines at licensed liquor establishments where liquor is served for consumption, veterans and fraternal organizations, and truck stops; and,

WHEREAS, the President and Trustees of the Village of East Dundee find that the East Dundee Code should be amended to clarify that video gaming as allowed by the Video Gaming Act (230 ILCS 5/1 et. seq.) is authorized within the Village limits, and;

WHEREAS, the President and Board of Trustees of the Village of East Dundee have determined that video gaming as regulated by the Illinois Gaming Board should be permitted within the Village limits.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. The foregoing findings and recitals are hereby adopted as Section 1 of this Ordinance and incorporated by reference as if set forth verbatim herein.

Section Two. The EAST DUNDEE MUNICIPAL CODE is hereby amended at Title XIII, CHAPTER 137: GAMBLING OFFENSES, Section 137.01 Definitions in the manner shown below with additions underscored, so that GAMBLING DEVICE is hereafter defined as follows:

GAMBLING DEVICE. Any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A **GAMBLING DEVICE** does not include the following, as more specifically defined in ILCS Chapter 720, Act 5, § 28-2 (a)(1) through (a)(4) or the Video Gaming Act (230 ILCS 40/1 et. seq.):

- (1) Coin-in-the-slot operated mechanical devices.
- (2) Vending machines.
- (3) Crane games.
- (4) Redemption machines.
- (5) Video Gaming Terminals permitted under the Illinois Video Gaming Act. (230 ILCS 40/1 et. seq.)

Section Three. The East Dundee Code is hereby amended in Title XIII, Chapter 137, Section 137.02 Gambling, as follows, with additions underscored:

137.02 GAMBLING

(B) Participants in any of the following activities shall not be convicted of gambling:

- (11) Video gaming on Video Gaming Terminals permitted under the Video Gaming Act (230 ILCS 40/1 et. seq.)

Section Four. The East Dundee Village Code, Title XIII, Chapter 137: Gambling Offenses, Section 137.04 Seizure of Gambling Devices and Gambling Funds, is amended as follows, with additions underscored:

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by village authorities. As used in this section, a **GAMBLING DEVICE** includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive

money or property, but does not include Video Gaming Terminals permitted under the Illinois Video Gaming Act (230 ILCS 40/1 et. seq.). With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.

Section Five. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Six. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Seven. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 1st day of October, 2012, pursuant to a roll call vote as follows:

AYES: 4 - Trustees Ruffalo, Miller, VanOstenbidge & President Bartels

NAYES: 3 - Trustees Gorman, Lynam & Skillicorn

ABSENT: 0

Approved by me this 1st day of October, 2012.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 9th day of October, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Janifer Behling
Village Clerk

Recorded in the Village Records on Oct. 9th, 2012.

