

**ORDINANCE 2013-01**

***An Ordinance Amending Title 6, Chapter 1, to add Section 6-1-18  
to the Municipal Code of the Village of West Dundee, Illinois,  
Allowing Video Gaming***

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Video Gaming Act (230 ILCS 40/1) became law on July 13, 2009 by virtue of P.A. 96-0034; and,

WHEREAS, the Illinois Gaming Board is authorized by the Act to license video gaming terminals and to promulgate regulations related to their operation; and,

WHEREAS, the Village President and Board of Trustees of the Village of West Dundee approved Ordinance 2010-07 on March 15, 2010 prohibiting video gaming in the Village, pursuant to Section 27 of the Video Gaming Act; and,

WHEREAS, local liquor establishments licensed by the Village of West Dundee have submitted a petition requesting that the Village President and Board of Trustees reevaluate this prohibition and allow video gaming within the Village; and,

WHEREAS, the Illinois Gaming Board has increased the rules and regulations governing licensed video gaming terminals since the passing of the Act in 2009; and,

WHEREAS, the majority of municipalities in the immediate area have now allowed video gaming within their respective communities; and,

WHEREAS, the President and Board of Trustees of the Village of West 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, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS that:

**Section 1:** The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

**Section 2:** Section 6-1-18 shall be and is hereby amended as follows:

6-1-18: VIDEO GAMING:

- A. Video Gaming Permitted: Pursuant to 230 ILCS 40, Video Gaming Act, video gaming is hereby permitted within the corporate boundaries of the Village of West Dundee, Illinois. The Village of West Dundee hereby adopts by reference the aforementioned compiled statute.
- B. License required: Any appropriately licensed liquor establishment within the corporate limits of West Dundee who may qualify for video gaming as defined

under the Act shall obtain a license to permit video gaming within at its local address, which must be issued by the Village.

**Section 3:** Section 3-1-4, Application, shall be and is hereby amended to include the following:

6. Applications for a video gaming license as required by this section shall be filed with the Village of West Dundee and shall contain the following additional information:
  - a. The name, address and age of the owner of the video gaming terminal and the owner of the establishment where the video gaming terminal shall be located.
  - b. Any prior convictions of the owner of the video gaming terminal and the owner of the establishment where the video gaming terminal shall be located.
  - c. The name and address of the establishment where the video gaming terminal will be displayed and operated and the business conducted and a description of the video gaming terminal to be operated under the license.
  - d. The location of the video gaming terminal as it is to be located in the local establishment.
  - e. Evidence of a video gaming license has been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment where the video gaming terminal shall be located.
  - f. An annual fee for the license required for video gaming terminals shall be established by Section 3-1-7, and shall not be prorated or refundable.

**Section 4:** Section 3-1-7, License Fee Schedule, shall be and is hereby amended to add the following type of license permit:

Video gaming establishment	\$35 per year
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**Section 5:** Section 3-5-1, Definitions, shall be and is hereby amended as follows:

**Mechanical/Electronic Amusement Device:** Whether manually or electrically operated or a combination of both operations, all slot machines of every kind and nature, all amusement machines, whether purporting to be games of skill or otherwise, for which a fee or charge is made for the privilege of playing or operating the same, including jukeboxes, and all machines which, under the laws of the State of Illinois, are gambling devices pursuant to the Video Gaming Act, but excluding all standard vending machines used in connection with the purchase of standard brands of merchandise.

**Section 6:** Section 3-5-2, Mechanical/Electronic Amusement Devices, shall be and is hereby amended such that the existing item B shall be and is hereby item C, and the following shall be and is hereby added as item B:

B. Mechanical/Electronic Amusement License And Alcoholic Liquor License and Video Gaming License: For establishments holding a valid liquor license in addition to a license for mechanical/electronic amusement devices and video gaming devices, as approved by the State of Illinois and the Village of West Dundee, the following regulations shall apply:

1. No person under the age of twenty one (21) years shall frequent, loiter or play at any "mechanical/electronic amusement device" as licensed by the State of Illinois as a video gaming device.
2. Each business establishment located within the corporate limits of the village where less than the whole of said establishment is dedicated to mechanical/electronic amusement devices and/or video gaming, shall post a conspicuous sign stating that:

*Video gaming terminal use by minors is prohibited. No person under the age of 21 years shall cause to remit, use or play a video gaming terminal.*

3. It shall be unlawful for any persons to install, keep, maintain or use, or permit the installation, keeping, maintenance or use, upon its premise of any video gaming terminal, unless proper and valid licenses issued under this section for video gaming is issued and in effect.
4. It shall be unlawful for any persons to deliver video gaming terminals within the corporate limits of West Dundee for use by any other persons for gain or profit from the operation thereof, unless a license has been issued by the Village and license fee has been paid in full for the current year.


**Section 7:** Any policy, resolution or ordinance of city, or any part thereof, that conflict with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

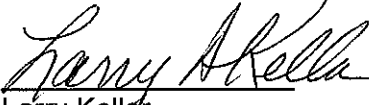
**Section 8:** The ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

APPROVED and PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 4<sup>th</sup> day of February, 2013.

AYES: Trustees Kembitzky, Voss, Price, Hanley and Yuscka  
NAYS: Trustee Osth  
ABSENT:

ATTEST:

  
Barbara Traver  
Village Clerk

  
Larry Keller  
Village President