

**AN ORDINANCE ADDING SECTIONS TO ARTICLE 3, CHAPTER 5 AMUSEMENTS
IN THE WEST DUNDEE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, the Village of West Dundee, Kane County, Illinois (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Village routinely acts to ensure and protect the health, safety, and welfare of its residents, as prescribed in Article 7 of the 1970 Constitution of the State of Illinois; and,

WHEREAS, expanding on the minimum standards established by the State of Illinois, the Village currently regulates the following activities: video gaming, gambling, amusement games, and raffles; and,

WHEREAS, there has been a recent increase in the number of “sweepstakes machines” operating at establishments near and surrounding the Village, without any State or other regulations of those machines; and,

WHEREAS, sweepstakes machines are electronic devices that give away random chances to win prizes with the purchase of a product or service, redeemable using computers at the establishment containing specialized software. A ticket reflecting credits is printed for the participant, which can be exchanged for cash or merchandise as a prize either from the establishment or online; and,

WHEREAS, sweepstakes machines simulate the experience and operation of slot, poker, keno, and other similar gambling machines that are regulated throughout the Village; and,

WHEREAS, controversy exists throughout the State whether the operation of sweepstakes machines violates anti-gambling laws; and,

WHEREAS, the President and Board of Trustees of the Village of West Dundee find that it is in the best interests of the Village and its residents to prohibit the operation of sweepstakes machines within the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

Section 1. The recitals in the preambles to this Ordinance are incorporated into this Section 1 as if fully set forth herein.

Section 2. The Municipal Code is amended by adding Section 1 to Chapter 5 of Title 3 of the Municipal Code as follows:

Chapter 5

AMUSEMENTS

3-5-1: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GAME ROOM: A public place of amusement which contains ten (10) or more mechanical amusement devices.

JUKEBOX: Any device, whether manually or electrically operated, to which a fee is paid for the selection and playing of music desired.

MECHANICAL/ELECTRONIC AMUSEMENT DEVICE: Whether manually or electrically operated or a combination of both operations, 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, but excluding all standard vending machines used in connection with the purchase of standard brands of merchandise or video gaming devices as defined by the state of Illinois. For purposes of this Chapter, Mechanical/Electronic Amusement Device shall not include Sweepstakes Machine as defined herein.

SWEEPSTAKES MACHINE: Any stand-alone, table top, or similar mechanically, electrically, or electronically, operated device in which, upon payment, a participant is automatically entered into a sweepstakes or similar promotion wherein the participant has the option to reveal the results of entry into said sweepstakes or promotion via a display mimicking slot machines, poker, keno, bingo, or any other similar gambling game and thereafter exchange any credits, whether in the form of a printed ticket or otherwise, for cash or merchandise as a prize. Any such device shall be considered a Sweepstakes Machine regardless of whether a coupon for a product or service is provided in exchange for the payment.

VIDEO GAMING DEVICE: Whether manually or electrically operated or a combination of both operations, all machines which, under the laws of the state of Illinois, are gambling devices pursuant to the video gaming act.

Section 3. The Municipal Code is amended by adding Section 3 to Chapter 5 of Title 3 of the Municipal Code as follows:

3-5-3: SWEEPSTAKES MACHINES:

It shall be unlawful to own, lease, or operate any Sweepstakes Machine, as herein defined, in any public place within the Village.

Section 4. The Municipal Code is amended by adding Section 4 to Chapter 5 of Title 3 of the Municipal Code as follows:

3-5-4: PENALTY:

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED this 21st day of December 2020, pursuant to a roll call vote as follows:

AYES: Trustees Hanley, Yuscka, Anderley, Wilbrandt, Kembitzky and Price

NAYS: None

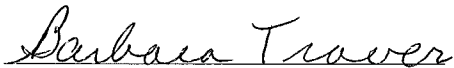
ABSENT: None

APPROVED this 21st day of December 2020.



Christopher Nelson, Village President

Attest:



Barbara Traver, Village Clerk

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