
THE VILLAGE OF WEST DUNDEE
KANE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2022-07

AN ORDINANCE STAYING
ENFORCEMENT OF TITLE 3 CHAPTER 25
OF THE VILLAGE OF WEST DUNDEE
CODE OF ORDINANCES

CHRISTOPHER NELSON, Village President
MARY JO PAPE, Village Clerk

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THOMAS PRICE
DAN WILBRANDT
ANDY YUSCKA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of West Dundee
on this the 4th day of April, 2022

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AN ORDINANCE STAYING
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OF THE VILLAGE OF WEST DUNDEE
CODE OF ORDINANCES

WHEREAS, the Village of West Dundee (hereinafter referred to as the "Village") is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of West Dundee is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village has in full force and effect a codified set of ordinances which are of a general and permanent nature, which said codified set is known and designated as the Village Code of West Dundee, Illinois, as amended;

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of its residents including the adoption and imposition of certain taxes;

WHEREAS, the Village continuously monitors and reviews its Village Code to ensure that it is properly updated and revised to coincide with any current developments;

WHEREAS, the Village adopted an ordinance on or before October 31, 2021, titled "AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE IMPOSING A PUSH TAX ON THE OPERATION OF VIDEO GAMING TERMINALS," hereafter the "Push Tax Ordinance;"

WHEREAS, the purpose of the Push Tax Ordinance was to impose a tax upon video gaming terminals within the corporate limits of the Village of West Dundee;

WHEREAS, the Push Tax Ordinance was to become effective and enforceable on May 1, 2022;

WHEREAS, the Corporate Authorities of the Village of West Dundee are aware that on March 10, 2020, Illinois Gaming Machine Operators Association, et al. filed a lawsuit against The Village of Oak Lawn;

WHEREAS, the action brought by Illinois Gaming Machine Operators Association, et al. against the Village of Oak Lawn alleges that a push tax that is similar to the one adopted by the Corporate Authorities of the Village of West Dundee on or before October 31, 2021, violates both the United States and Illinois Constitutions;

WHEREAS, the afore-mentioned lawsuit is currently pending in the Circuit Court of Cook County, County Department, Chancery Division as Case Number 2020-CH-02928; and

WHEREAS, the Corporate Authorities of the Village of West Dundee are of the opinion that it is in the best interests of the Village to stay enforcement of the Village's Push Tax

Ordinance, pending final disposition of the legal proceedings between Illinois Gaming Machine Operators Association, et. al. and the Village of Oak Lawn.

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

Section One – Recitals

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Enforcement of Title 3 Chapter 25

- a) Enforcement of West Dundee Village Code Title 3 Chapter 25 shall be stayed pending final disposition of Illinois Gaming Machine Operators Association et al. v. Village of Oak Lawn, Cook County, Illinois Case Number 2020-CH-02928, and any subsequent appeals.
- b) Title 3 Chapter 25 of the Village Code shall become enforceable upon disposition of the afore-mentioned legal proceedings in favor of defendant, the Village of Oak Lawn, holding that the Village's push tax is constitutional.
- c) In the event the final determination of the Courts be that the Village of Oak Lawn's push tax is unconstitutional and illegal, West Dundee Municipal Code Title 3 Chapter 25 shall be considered null and void, with no further action needed on the part of the Corporate Authorities of the Village.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Village Code of West Dundee, Illinois.

Section Four – Home Rule Preemption

This ordinance represents the Village of West Dundee's exercise of its home rule powers to the extent that this ordinance preempts or conflicts with Illinois statute to the extent permitted under the Constitution of the State of Illinois.

Section Five – Conflict Clause

That all ordinances, parts of ordinances or board actions in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

Section Six – Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Seven – Constitutionality Clause

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of this ordinance or the Village Code of West Dundee, Illinois.

Section Eight – Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine – Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of West Dundee.


PASSED THIS 4th day of April, 2022

Ayes: Trustees Price, Haley, Anderley and Wilbrandt

Nays: None

Absent: Trustees Yuscka and Alopogianis

APPROVED THIS 4th day of April, 2022



Christopher Nelson
Village President

ATTEST:



Mary Jo Pape
Deputy Village Clerk