

ORDINANCE NUMBER 09 - 32

**ORDINANCE PROHIBITING VIDEO GAMING WITHIN THE
VILLAGE OF EAST DUNDEE**

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 Illinois Video Gaming Act (Public Act 96-0034) authorizes video gaming and the operation of video gaming terminals at certain types of establishments within the State of Illinois; and

WHEREAS, Section 27 of the Illinois Video Gaming Act provides that a municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined it is in the best interests of the health, safety and welfare of the residents to prohibit video gaming and that the prohibition of video gaming in the Village as otherwise authorized by the Illinois Video Gaming Act; and

WHEREAS, this ordinance is being enacted pursuant to the statutory authority provided by Section 27 of the Illinois Video Gaming Act; and

WHEREAS, It is the intent of the corporate authorities of the Village of East Dundee in enacting this ordinance to prohibit video gaming and the operation of video gaming terminals within the corporate limits of the Village of East Dundee as would otherwise be allowed under the Illinois Video Gaming Act.

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 recitals to this ordinance as set forth above are incorporated into and made a part of this ordinance.

Section Two. Terms used in this ordinance that are also used in the Video Gaming Act shall have the same meaning in this ordinance that are also used in the Video Gaming Act shall have the same meaning in this ordinance as in the Video Gaming Act.

Section Three. (A) Video gaming is prohibited within the corporate limits of the Village of East Dundee for purposes of this ordinance, video gaming means the possession, use or operation of any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, lineup, blackjack, utilizing a video display and microprocessors in which the player may receive free game credits that can be redeemed for cash. (B) No person shall possess, or maintains any video gaming terminal within the corporate limits of the Village of East Dundee except that a person may possess a video gaming terminal if the terminal is in the process of being transported to a location outside the corporate limits of the Village of East Dundee.

Section Four. Any person convicted of violating this ordinance shall be subject to a fine of not less than \$75.00 or more than \$500.00 for each offense. A separate offense shall be committed each time a person operates a video gaming terminal in a manner that violates Section 3(A) of this ordinance. A separate offense shall be committed each 24 hour period, or part thereof, that a person is in possession of or maintains a video gaming terminal in violation of Section 3(B) of this ordinance or is in possession of any other electronic gaming machine that can be used for video gaming in violation of Section 3(A) of this ordinance.

Section Five. Any video gaming terminal and any other electronic gaming machine that can be used for video gaming that is the subject of a violation of Section 3 of this Ordinance shall be subject to seizure and shall be subject to forfeiture upon finding of guilty of any person for a violation of Section 3 of this ordinance. Upon appropriate order of court of administrative hearing officer said video gaming terminal or other electronic gaming machine shall be destroyed.

Section Six. This Ordinance shall be effective immediately upon passage and approval and publication as required by law.

Section Seven. This Ordinance is hereby passed by the affirmative vote of two-thirds of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Board of Trustees.

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

Section Ten. 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 2nd day of November, 2009, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Gorman, Miller, Wichowski, Lynam, VanOstenbridge, President Bartels

NAYES: 1 - Trustee Ruffalo

ABSENT: 0

Approved by me this 2nd day of November, 2009.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 5th day of November, 2009, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on November 5th, 2009.

