

**ORDINANCE NUMBER 09 - 35**

**ORDINANCE TO PLACE ADVISORY REFERENDUM ON THE  
BALLOT AT THE NEXT ELECTION 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 poker at licensed liquor establishments where liquor is served for consumption, veterans and fraternal organizations, and truck stops; and,

**WHEREAS**, the Illinois Municipal Code (65 ILCS 5/3.1-40-60) allows the Village of East Dundee, by a vote of the majority of the members of the City Council, to authorize an advisory question of public policy to be placed on the ballot at the next regularly scheduled election in the municipality; and,

**WHEREAS**, that the next regularly scheduled election in the Village of East Dundee is February, 2010; and,

**WHEREAS**, the Village of East Dundee has determined it is in the best interest of the health, safety and welfare of the residents of the Village of East Dundee to place on the ballot at the next regularly scheduled election for the municipality to be held on February, 2010, an advisory question of public policy;

**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.** An advisory referendum shall be placed by the County Clerk of Kane County on the February ballot for all voters residing in the Village of East Dundee to vote on the following question:

NONBINDING REFERENDUM

Shall video gaming be prohibited in the Village of East Dundee? YES \_\_\_\_\_  
NO \_\_\_\_\_

**Section Two.** Following the passage of this ordinance, the village clerk shall forthwith forward to the county clerk the foregoing advisory question of public policy in the form set forth above, along with a version of the foregoing question translated by certified translator into Spanish.

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 Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Five. 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 16<sup>th</sup> day of November, 2009, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Gorman, Miller, Lynam, Cichowski, VanOstenbridge  
NAYES: 1 - Trustee Ruffalo President Bartels  
ABSENT: 0

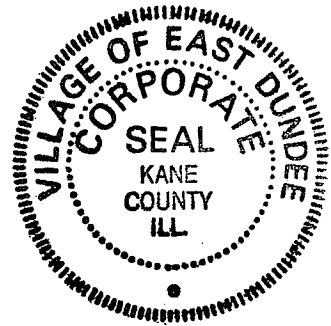
Approved by me this 16<sup>th</sup> day of November, 2009.

Jerald Bartels  
Jerald Bartels, President

Published in pamphlet form this 18<sup>th</sup> 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 18<sup>th</sup>, 2009.