ORDINANCE NO. 12-O-10

ORDINANCE AMENDING CHAPTER 7 OF
THE VILLAGE OF LAKEMOOR

ADOPTED BY THE VILLAGE BOARD
OF THE VILLAGE OF LAKEMOOR
THIS 28th DAY OF JUNE, 2012

Published in pamphlet form by the authority
of the Village Board of the Village of Lakemoor, Lake/
McHenry County, Illinois, this 28th day of June, 2012

Passed:________________________
Approved:_______________________
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WHEREAS, 65 ILCS 5/11-42-2 provides, in part, that the corporate authorities of the Village of Lakemoor have the power to “license, tax, regulate, or prohibit pinball, or bowling alleys, billiard, bagatelle, pigeon-hole, pool, or any other tables or implements kept for a similar purpose in any place of public resort”; and

WHEREAS, the Illinois General Assembly passed into law the Illinois Video Gaming Act, codified at 230 ILCS 40/1 et.seq. (hereinafter “VGA”); and

WHEREAS, the corporate authorities have determined that it is in the best interest of the Village to permit gaming as provided in the VGA and repeal any prior ordinances preventing the operation of video gaming devices within the Village; and

WHEREAS, current Village regulations do not permit operation of certain activities that the corporate authorities deem beneficial to the Village; and

WHEREAS, the Village Board has determined that by passing certain restrictions on the use of video gaming devices, the Village will derive a net benefit from the controlled operation of the devices within the Village; and

WHEREAS, the Village recognizes that the Illinois Gaming Board sets strict regulations over the placement and usage of video gaming devices and that the Illinois Gaming Board monitors the use and the activity of such machines.

WHEREAS, the VGA provides for significantly enhanced law enforcement oversight and control of gambling by eliminating the estimated 60,000 video gaming terminals that currently operate in locations across the state without any oversight; and

WHEREAS, all video gaming terminals permitted under the VGA will be tied into a central system monitored and regulated by the Illinois Gaming Board, and possession of non-authorized machines will be a Class 4 felony; and

WHEREAS, all participants in the new state-regulated video gaming industry will be licensed and undergo intense background checks and screenings; and

WHEREAS, under the VGA, municipalities retain 5% of the revenue collected from operation of the video gaming terminals which will provide relief for Village taxpayers from an even greater tax burden; and
WHEREAS, the Village and its businesses should pursue all opportunities for revenue investment and employment whenever possible.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lakemoor, Lake/McHenry County, Illinois, as follows:

SECTION 1: The above recitals are incorporated herein.

SECTION 2: That Chapter 7 of the Code of Ordinances of the Village of Lakemoor is hereby modified with the addition of the following Code Sections:

7.27 VIDEO GAMING DEVICES, as defined under 230 ILCS 40/1 et seq., are electronic machines that, upon insertion of cash, are available to play or simulate the play of a video game, such as video poker, line up and blackjack, using video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The use of such devices within the Village of Lakemoor is hereby approved subject to the following:

1. There shall be an annual Village registration fee of $25.00 per machine assessed to the owner of any establishment where such video gaming devices are present;
2. The establishment owner shall, in all respects, conform with the applicable requirements and restrictions for location, use, number, operation and registration, as well as with all other requirements contained in 230 ILCS 40/1 et seq.,
3. The Village shall assist the Illinois Gaming Board in regulation of the usage of such devices as to hours, location, operation and usage;
4. The Village reserves the right to revoke the annual registration of any such device for violations of this Ordinance or violation of the laws of Illinois applicable to operation of video gaming devices;
5. Any and all violations of this Ordinance shall and are hereby violative of the licenses issued in Chapter 9 of the Code of Ordinances of the Village of Lakemoor and violation of this Ordinance or of the applicable statutes of the State of Illinois shall be punishable by revocation of the licenses issued by the Village of Lakemoor.
6. If the video gaming machines are placed in a separate room of the establishment, such room shall have a doorway of not less than 36”, a door consisting of more the 75% glass which is transparent/clear, and a transparent/clear window or open wall section of not less than 36” x 48” located not more than FOUR (4) feet from the floor. No person or persons under the age of 21 shall be allowed to enter into that area.
7. If the video gaming machines are not placed in a separate room of the establishment, there shall be a clearly identified buffer around each machine of at least TEN (10) feet wherein no person or persons under the age of 21 shall be allowed to enter.

7.28 **PENALTIES.** Applicable to Section 7.27 above, shall be as follows: Any person or business found to be violating any law, ordinance or regulation applicable to video gaming devices shall be issued a Notice to Appear before the administrative adjudication court for the Village of Lakemoor. Upon a first conviction on the complaint by the administrative judge or any judge of the 22nd Judicial Circuit, McHenry County or the 19th Judicial Circuit, Lake County, Illinois, there shall be a fine of not less than $250 nor more than $750 per offense. Upon a second conviction, there shall be a minimum $500 fine. Upon a third or subsequent conviction of this Ordinance or other applicable video gaming law, the administrative judge or circuit judge may revoke the Village registration for any such video gaming device. If the courts fail to revoke the annual permit(s), the Village President, upon approval of the Village Board, may revoke the annual registration permits and all operation of the machines on the Defendant’s premises shall cease, or, after due hearing, the liquor license of such establishment may be revoked.

7.29 **NON-TRANSFERABILITY.** The registration stickers for each gaming device shall not be transferrable. Upon the transfer of control or ownership of any establishment where gaming devices have been previously licensed, the new owner or operator shall apply for new registration stickers for each gaming device on the premises.

7.30 **STATE LAW.** The use and operation of video gaming devices shall in all other respects conform with the laws of the State of Illinois and the rules promulgated by the Illinois Gaming Board.

**SECTION 3:** Section 7.12 is hereby amended to read as follows:

7.12 **ELECTRONIC OR MECHANICAL AMUSEMENT DEVICES.** The term “electronic amusement device” or “mechanical amusement device” is hereby defined to be each machine which, upon the insertion of a coin, trade-token, or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money or trade-token or slugs, or which makes no provision whatever for the return of money to the Player. An “electronic amusement device” or “mechanical amusement device” is hereby further defined as any machine, apparatus, or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the Player initiates, employs or
directs any force generated by the machine. This provision shall not apply to video gaming devices as described in Section 7.27.

SECTION 4: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: If any provision, clause, sentence, paragraph, section, or part of this Ordinance or application thereof to any person, firm corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the Village of Lakemoor that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not have been included.

Passed this 28th day of June, 2012.

AYES: Beach; McIntyre; Lennon; Nykaza
NAYS: Dabrowski; Lonigro
ABSTAIN:
ABSENT:

Approved by me this ____ day of June, 2012.

__________________________
RYAN WEIHOFEN, VILLAGE PRESIDENT
VILLAGE OF LAKEMOOR, McHENRY AND LAKE COUNTIES
(SEAL)

ATTEST:_____________________
BONNIE SIKORA, VILLAGE CLERK