

ORDINANCE NUMBER 22 - 30

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK
AND KANE COUNTIES, ILLINOIS, AMENDING THE VILLAGE OF EAST DUNDEE
VILLAGE CODE REGARDING VIDEO GAMING TERMINAL REQUIREMENTS**

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government 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; and

WHEREAS, amending the Village of East Dundee Village Code ("Village Code") to change the requirements for operation of video gaming terminals best serves the public's health, safety and welfare;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

Amendment One:

Section 116.05(J)(2) of the Village Code shall read as follows:

Only premises licensed to sell alcoholic liquor for consumption on the premises as defined by ILCS Ch. 230, Act 40, § 1 as a "licensed establishment", a "licensed fraternal establishment", or a "licensed veterans establishment", "licensed truck stop establishment" that has a liquor license to sell package goods, or a "licensed large truck stop establishment" that has a liquor license to sell package goods, are authorized to obtain a supplemental video gaming permit to operate video gaming terminals and only when licensed by the Illinois Gaming Board pursuant to the provisions of the Illinois Gaming Act (ILCS Ch. 230, Act 40, §§ 1 et seq.) and in accordance with the regulations contained in Section 137.05 of this Code, except that no convenience store may receive a supplemental video gaming permit from the Village, unless (a) the convenience store is part of gas station, and (b) the convenience store has more than three thousand (3,000) square feet of interior floor area.

Amendment Two:

Section 137.05 of the Village Code, entitled "Video Gaming," shall read as follows:

Video gaming in accordance with the Video Gaming Act (ILCS Chapter 230, Act 40, §§ 1 et seq.) shall be permitted in the village in compliance with the following:

(A) Any establishment within the Village which holds a liquor license and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a supplemental video gaming permit for the establishment from the Village pursuant to § 116.05(J) of Code of the Village of East Dundee.

(B) No establishment shall operate a video gaming terminal without having obtained a license and video gaming terminal sticker for each video gaming terminal from the Village pursuant to the license application procedures of this Code.

(C) The fee for a supplemental liquor video gaming establishment license shall be \$1,000 per license year and the fee for each video gaming terminal in an establishment in the Village shall be \$250 per machine per license year. The \$250 per machine per license year fee shall be paid 50% by the terminal operator and paid 50% by the licensed establishment, per ILCS Chapter 230, Act 40, § 65. The license year shall be from January 1 through December 31 of the following year. The license fees shall not be prorated or refunded. Notwithstanding any term in this Section to the contrary, all licenses in effect as of May 16, 2022 shall expire on June 30, 2022 and such licenses may thereafter be renewed, if the requirements of this Section are met, with terms as set forth in this Section, which will result in a partial-year term of July 1, 2022 through December 31, 2022, and then with full-year terms thereafter of January 1 through December 31 each year.

(D) Video gaming terminals may not be operated on any premises that is located within 100 feet of a school or a place of worship.

(E) The number of video gaming terminals at an establishment shall be limited as follows, which square footage shall apply to establishments which are first approved by the Village for a supplemental video gaming permit on and after July 18, 2022:

(1) There shall not be more than the fewer of (a) six video gaming terminals on the premises of any licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment, as defined in the Video Gaming Act (ILCS Chapter 230, Act 40), and (b) one video gaming terminal per seven hundred fifty (750) square feet of interior floor area on the premises.

(2) There shall not be more than the fewer of (a) ten video gaming terminals on the premises of any large truck stop establishment, as defined in the Video Gaming Act (ILCS Chapter 230, Act 40), and (b) one video gaming terminal per seven hundred fifty (750) square feet of interior floor area on the premises.

(F) Video gaming terminals must be located in an area that is restricted to persons over 21 years of age. The entrance to such area must be within the view of at least one employee.

(G) No license may cause or permit any person under the age of 21 years to use or play a video gaming terminal.

(H) Each establishment that desires to operate a video gaming terminal must possess a valid liquor license issued by the Illinois Liquor Control Commission and the village.

(I) Those establishments that are licensed establishments, licensed fraternal establishments, licensed veterans establishments and licensed large truck stop establishments, all as defined in the Video Gaming Act (ILCS Chapter 230, Act 40), may operate video gaming terminals only during the hours of operation for the consumption of alcoholic beverages at the establishment.

(J) Noise from video gaming terminals shall not extend beyond the portion of the establishment within which video gaming terminals are located.

(K) Every licensed establishment shall comply with all provisions of the Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

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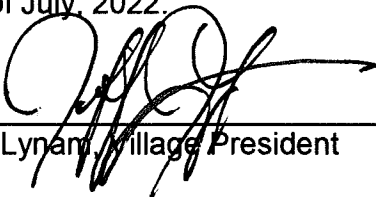
ADOPTED this 18th day of July, 2022 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano, Treiber and Sauder

NAYES: Ø

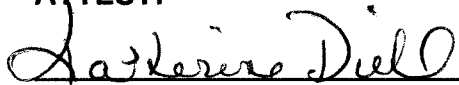
ABSENT: Ø

APPROVED by me this 18th day of July, 2022.



Jeffrey Lynan, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 18th day of July, 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on July 20, 2022.