

ORDINANCE NO. 2546

**AN ORDINANCE AMENDING CHAPTER 10, AMUSEMENTS AND ENTERTAINMENT, ARTICLE V, VIDEO GAMING, OF THE MUNICIPAL CODE OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS**

**Authorizing Video Gaming for Licensed Establishments**

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**WHEREAS**, the Village President and Board of Trustees of the Village of New Lenox, Will County, Illinois have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Video Gaming Act (230 ILCS 40/1 *et seq.*; PA 96-0034) became law July 13, 2009 and allows licensed retail establishments to conduct video gaming which is licensed and regulated by the State; and

**WHEREAS**, the Village Board by Ordinances 2331, 2443 and 2506 authorized video gaming in licensed fraternal and licensed veterans establishments, licensed truck stop establishments, and licensed municipal golf course establishments, all as set forth in Chapter 10, Article V of the Village Code; and

**WHEREAS**, in light of the difficult financial conditions and the desire to assist eligible businesses and to support the funding of State capital projects, the Village President and Board of Trustees hereby permit video gaming as defined in the Video Gaming Act for licensed establishments as defined herein, provided that said licensed establishments comply in all respects with the statutes and regulations adopted by the State and the ordinances of the Village; and

**WHEREAS**, the Village of New Lenox is a Home Rule Municipality under and by virtue of the Constitution of the State of Illinois.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.

**SECTION 2.** That Chapter 10, Section 10-101 Definitions, shall be amended to add the following:

*Licensed Establishment* means any licensed retail establishment (i) where alcoholic liquor is drawn, poured or mixed for consumption on the premises pursuant to a valid liquor license, and (ii) the licensed retail establishment must derive more than 60% of its gross revenue on an annual basis from non-video gaming related activities. Thereafter, for new licensed establishments, the owner shall certify that it is anticipated that the establishment will derive more than 60% of its gross revenue on an annual basis from non-video gaming related activities. The determination of whether the 60% standard has been met shall be made at the time of license renewal for the subsequent year. The owner shall certify as part of its license application the percentages of gross revenue from video gaming and non-gaming activities for the previous year, and the Village shall be entitled to request pertinent business records to verify the certification including but not limited to financial statements, business financial reports, State of Illinois tax information, or any other record deemed acceptable by the Village.

**SECTION 3.** That Chapter 10, Section 10-102(a), Video Gaming Permitted, is amended and replaced with the following:

Sec. 10-102. Video Gaming Permitted.

(a) Video gaming is permitted at licensed fraternal establishments, licensed veterans establishments, licensed truck stop establishments, licensed municipal golf course establishments, and licensed establishments within the Village, subject to the provisions of this Article.

**SECTION 4.** That Chapter 10, Section 10-109 is hereby added as follows:

Sec. 10-109. Location of Terminals.

(a) For licensed locations including fraternal establishments, veterans establishments, truck stop establishments, golf course establishments, and licensed establishments that admit individuals under the age of 21, the gaming area shall be separated by a half wall or glass partition with a separate door for ingress and egress, and the entrance to the gaming area shall be visible to at least one employee of the establishment who is over 21 years of age, to ensure that no persons under 21 years of age are present in the gaming area.

- (b) For licensed locations including fraternal establishments, veterans establishments, truck stop establishments, golf course establishments, and licensed establishments that restrict admittance to patrons 21 years of age or older, a separate restricted gaming area is not required.

**SECTION 5.** That Chapter 10, Section 10-108 is amended and replaced with the following:

Sec. 10-108. Penalty.

In addition to all other remedies, including prosecution under the gambling provisions of the Illinois Criminal Code, 720 ILCS 5/28-1 *et seq.*, and suspension or revocation of any video gaming license or suspension or revocation of the establishment's liquor license, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this article shall be subject to the fines set forth in Section 1-15 of this Code for each such offense.

**SECTION 6.** In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

**SECTION 7.** That all ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance shall be and the same is hereby repealed.

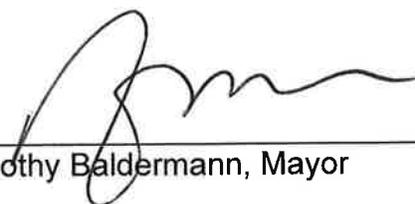
**SECTION 8.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 9.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** by the Board of Trustees on a roll call vote on the 8<sup>th</sup> day of February, 2016 with 4 Trustees voting aye, 1 Trustees voting nay, -0- Trustees abstaining, and with 1 Trustees absent, Mayor BALDERMANN voting aye: said vote being: SMITH nay, BOWDEN absent, MADSEN aye, BUTTERFIELD aye, JOHNSON aye, and FINNEGAN aye.

  
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Laura Ruhl, Village Clerk

**APPROVED** this 8<sup>th</sup> day of February, 2016.

  
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Timothy Baldermann, Mayor

ATTEST:

  
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Laura Ruhl, Village Clerk