

ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS

SUBMITTED BY: ECONOMIC DEVELOPMENT COMMITTEE

2012 CO 075

AN ORDINANCE AMENDING THE WINNEBAGO COUNTY CODE OF
ORDINANCES TO PROVIDE FOR VIDEO GAMING AS ALLOWED BY
THE ILLINOIS VIDEO GAMING ACT

WHEREAS, on July 13, 2009, the Video Gaming Act (230 ILCS 40/1 *et seq.*) (the "Act") was enacted, allowing certain licensed retail establishments to conduct video gaming; and

WHEREAS, the Act provides that a non-home rule unit of government may impose a fee for the operation of a video gaming terminal not to exceed \$25 annually for each terminal; and

WHEREAS, the revenue from the gaming terminal fee will assist in the County's fiscal situation; and

WHEREAS, it is in the best interests of the citizens of Winnebago County not to prohibit what is permitted by the Act.

NOW THEREFORE BE IT ORDAINED, by the County Board for the County of Winnebago, Illinois, as follows:

SECTION 1: Chapter 10, Article IV, of the Winnebago County Code shall be amended by adding Section 10-109 as follows:

Sec. 10-109 Inapplicability to Video Gaming Devices

The provisions in this Article IV shall not apply to any video gaming device or automatic amusement device as authorized by the Illinois Video Gaming Act (230 ILCS 40/1, *et seq.*).

SECTION 2: Chapter 6, Article I, of the Winnebago County Code shall be amended by adding Section 6-18 as follows:

Sec. 6-18 Violations of Liquor License

Proof before the Liquor Control Commission of the facts which establish a violation of any federal law, state statute, County ordinance or resolution or rule of the Illinois Liquor Control Commission or the Illinois Gaming Board shall be sufficient cause for revocation, suspension and fine of any liquor licensee, irrespective of whether or not a conviction has been obtained in any court. In addition, the licensee shall be obligated to reimburse the County for all attorney's fees incurred as a result of the prosecution of the offending licensee.

SECTION 3: Chapter 6 of the Winnebago County Code shall be amended by adding the following:

Article III. Video Gaming Terminals

Sec. 6-63 Definitions

The terms *terminal operator* and *video gaming terminal* when used in this Article shall have the meaning ascribed to them in Section 5 of the Illinois Video Gaming Act (230 ILCS 40/5).

Sec. 6-64 No Other Gambling Permitted

Nothing in this Article shall be construed to authorize, regulate, permit or license any gambling device or authorize any gambling in the County other than that which is permitted as provided in this Article III or by state or federal law.

Sec. 6-65 Permissible Locations for Video Gaming Terminals

Video gaming terminals shall be permitted in and upon licensed premises, as defined in Section 6-1 of this Chapter, if each of the following conditions is first met:

1. The use and placement thereof is in compliance with the provisions of the Video Gaming Act (230 ILCS 40/1, *et seq.*), as amended; and
2. The use and placement thereof is in compliance with the provisions of all rules promulgated by the Illinois Gaming Board pursuant to the Illinois Administrative Procedures Act; and
3. The licensee or agent of the licensee:

- (a) Files with the County Clerk a copy of the licensee's written use agreement with the terminal operator for placement of the video gaming terminals and a copy of the license issued by the Illinois Gaming Board for each video gaming terminal located at the licensed premises; and
- (b) Pays to the County an annual fee of \$25 for each video gaming terminal upon the premises, up to a maximum of five (5) video gaming terminals per licensed premises.

Sec. 6-66 Hours of Operation for Video Gaming Terminals

Licensed video gaming terminals may only be played during the legal hours of operation allowed for the consumption of alcoholic beverages on the licensed premises as set forth in Section 6-13 of this Chapter.

Sec. 6-67 Violation of Video Gaming Act Is Violation of Liquor License

If a licensee violates any provision of the Video Gaming Act, or rules and regulations of the Illinois Gaming Board, or any provision related to video gaming terminals contained in this Section, such violation shall be deemed a violation of the licensee's liquor license issued under this Chapter 6.

Sec. 6-68 Placement of Amusement Devices

All licensed video gaming terminals shall at all times be kept and placed in plain view of any person(s) who may frequent or be in any place of business where such devices are kept or used. Further, all licensed video gaming terminals shall be located in an area of the licensed premises restricted to persons 21 years of age and over, which shall be visible to at least one employee who is at least 21 years of age. SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

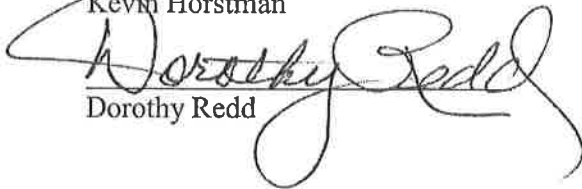
BE IT FURTHER ORDAINED, that this Ordinance Amendment shall be effective on its passage.


BE IT FURTHER ORDAINED, that the Winnebago County Clerk shall provide a certified copy of this Ordinance Amendment upon its adoption to the Winnebago County Liquor Commission.

Respectfully submitted,
Economic Development Committee


Frank Gambino

Kevin Horstman


Dorothy Redd



John Ekberg, Chairman


Pearl Hawks


Dianne Parvin


L.C. Wilson

APPROVED this 25th day of October, 2012 by the
County Board of the County of Winnebago, Illinois.


Scott H. Christiansen
Chairman of the County Board
of the County of Winnebago, Illinois

Attested by:


Margie M. Mullins
Clerk of the County Board
of the County of Winnebago, Illinois

Ayes: 21 Nays: 6 Absent: 1