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**MEMORANDUM**

**TO:** William Mueller, Village President  
**FROM:** David A. Hulseberg, Village Manager  
**DATE:** January 21, 2010  
**SUBJECT:** Video Gaming

Based upon the responses of an online survey, votes from the different Committees/Boards/Commissions and citing a decrease in the quality of life for residents, the Village Board of Trustees, at their January 7, 2010 meeting obtained a majority vote to ban video gaming. The Village Board of Trustees has directed staff to draft an Ordinance that would ban video gaming within the corporate limits of the Village of Lombard.

**BACKGROUND:**

This item was originally brought before the Board of Trustees for discussion at the October 15, 2009 meeting, with a staff recommendation that video gaming be banned until such time that the Illinois Gaming Board could establish their rulemaking process. The Board of Trustees tabled this item until the January 7, 2010 Board meeting in order to solicit the thoughts and recommendations of each of the Village Committees/Boards/Commissions. Also, per the recommendation of the Community Relations Committee, a one question survey (relative to video gaming) was created. The purpose of the survey was to solicit input from residents as to their level of support for video gaming. The survey was placed on the Village's website until December 31, 2009. The survey allows Board members to hear from the community at-large. Residents were required to include their address when completing the online survey.

To summarize the results from those Committees/Boards/Commissions votes, it appears that there is little support for or against video gaming. Of the fourteen groups that voted, seven groups either recommended that a decision be made once more information is available or had inconclusive results (no majority vote either for or against it). Three groups (Zoning Board of Appeals, Board of Building Appeals & Transportation and Safety Committee) obtained a majority vote to recommend allowing video gaming and four groups obtained a majority vote to recommend banning it (Community Relations Committee, Community Promotion and Tourism, Board of Fire and Police Commissioners & Lombard Historical Commission).

The online survey results demonstrate that a slight majority of residents do not support video gaming in Lombard. Out of 141 votes, 43% believe that the Village should allow video gaming within the Village of Lombard, 52% believe that the Village should opt-out (ban) video gaming within the city limits and 4% had no opinion.

(1) "Video Gaming" means the ownership, placement, maintenance, operation or use of a Video Gaming Terminal (as defined below) in a licensed establishment, licensed fraternal establishment or licensed veterans establishment, as said terms are defined within the Video

For purposes of this Section, the following terms shall be defined as follows:

(B) Definitions.

(A) Authority. This Section is promulgated pursuant to the authority to prohibit Video Gaming (as defined below) in the Village, as contained in 230 ILCS 40/27, all as may be amended from time to time.

**" §110.11 VIDEO GAMING PROHIBITION.**

**SECTION 2:** That Chapter 110 of the Lombard Village Code is hereby amended by adding a new Section 110.11 thereto, which shall read in its entirety as follows:

**SECTION 1:** That the Corporate Authorities hereby exercise their right, under Section 27 of the Act (230 ILCS 40/27), to prohibit video gaming, as defined in the Act, within the Village of Lombard, effective immediately.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**WHEREAS**, a majority of the Corporate Authorities have determined that video gaming should be prohibited within the Village;

**WHEREAS**, the majority of input received from Village residents and the various Village Committees, Boards and Commissions called for the prohibition of video gaming in the Village of Lombard; and

**WHEREAS**, recognizing that some Illinois local jurisdictions would desire to prohibit video gaming, Section 27 of the Act (230 ILCS 40/27) permits counties and municipalities to prohibit video gaming by ordinance within their respective jurisdictions; and

**WHEREAS**, the President and Board of Trustees (the "Corporate Authorities") of the Village of Lombard (the "Village") commend the Illinois General Assembly and the Governor for addressing the critical need for investment in roads and infrastructure in the State of Illinois, and for providing flexibility in terms of the implementation of video gaming; and

**WHEREAS**, the Video Gaming Act (230 ILCS 40/1 et seq, hereinafter the "Act") became law on July 13, 2009, and allows certain defined licensed establishments to conduct video gaming; and

**AN ORDINANCE AMENDING CHAPTER 110 OF THE LOMBARD VILLAGE CODE TO PROHIBIT VIDEO GAMING WITHIN THE VILLAGE OF LOMBARD, ILLINOIS**

ORDINANCE NO. \_\_\_\_\_

Gaming Act (230 ILCS 40/1 et seq.) (hereinafter the "Establishment(s)"), within the Village.

(2) "Video Gaming Terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.

(C) Prohibition.

(1) Video Gaming is prohibited within the Village.

(2) A Video Gaming license issued by the State of Illinois is not effective within the Village.

(3) A prohibited Video Gaming Terminal shall be immediately removed by the owner or operator from the Establishment(s).

(4) It shall be unlawful for a person, firm or corporation to permit or allow any Video Gaming Terminal to be played or remain within any Establishment(s) within the Village.

(D) Enforcement.

Authorized representatives of the Village's Police Department, including sworn peace officers and other individuals as the Chief of the Village's Police Department may designate from time to time, may make inspections of the premises of Establishment(s) or any premises where there is cause to believe Video Gaming occurs, for the purpose of determining whether a violation of this Section is taking place. These inspection rights are in addition to any other statutory or common law powers of the Village's Police Department.

(E) Penalties.

(1) Any person, firm or corporation who violates any provision of this Section shall be subject to a fine of not less than seven hundred fifty and no/100 dollars (\$750.00).

(2) In lieu of prosecution under subsection (1) above, any person, firm or corporation who violates any provision of this Section may be subject to prosecution under the gambling provisions of the Illinois Criminal Code, 720 ILCS 5/28-1, et seq."

**SECTION 3:** 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 on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_, 2010.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Brigitte O'Brien, Village Clerk