

**ORDINANCE NO. 644.2**

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

**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

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

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

**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:

**" §110.11 VIDEO GAMING PROHIBITION.**

(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.

(B) Definitions.

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

- (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

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 21<sup>st</sup> day of January, 2010.

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

Passed on second reading this 4<sup>th</sup> day of February, 2010, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Moreau, Fitzpatrick, President Mueller

NAYS: Trustees Tross, Wilson, Ware

ABSENT: None

**APPROVED** by me this 4<sup>th</sup> day of February, 2010.

  
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William J. Mueller, Village President

ATTEST:

  
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Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 5<sup>th</sup> day of February, 2010.

  
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Brigitte O'Brien, Village Clerk