

VILLAGE OF MT. AUBURN

ORDINANCE NO. 138

FILED

'AUG 15 2012

COUNTY
CLERK

AN ORDINANCE AMENDING 11-6-8 OF THE 1988 VILLAGE CODE OF
MT. AUBURN AS AMENDED, REGARDING THE VIDEO GAMING ACT.

ADOPTED BY THE BOARD OF TRUSTEES

OF THE

VILLAGE OF MT. AUBURN

THIS 16th DAY OF August, 2012

VILLAGE OF MT. AUBURN
ORDINANCE NO. 138

AN ORDINANCE AMENDING 11-6-8 OF THE 1988 VILLAGE CODE OF
MT. AUBURN AS AMENDED, REGARDING THE VIDEO GAMING ACT.

WHEREAS, the State of Illinois has enacted the Video Gaming Act Authorizing licensed video gaming terminals; and

WHEREAS, it is in the best interest of the Village to amend Section 11-6-8 of the 1988 Village Code of Mt. Auburn to allow for licensed video gaming terminals to be placed in certain liquor establishments and/or fraternal/veterans clubs in the Village.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF THE VILLAGE OF MT. AUBURN, ILLINOIS:

11-6-8 (as amended)

SECTION 1. GAMBLING. A person commits gambling when he:

(A) Plays a game of chance or skill for money or other thing of value, unless excepted in Subsection (b) of this section;

(B) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;

(C) Operates keeps, owns, purchases, exhibits, rents, sells bargains for the sale or lease of, manufactures, or distributes any gambling device except as is pursuant to applicable federal, State of Illinois or municipal law, rule regulation or ordinance to the extent such activity complies with all requirements provided for therein;

(D) Contracts to have or give himself or another the option to buy or sell or contracts to buy or sell at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is, at the time of making such contract, intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom shall be settled, not by the receipt or delivery of such property, but by the payment only if differences in prices thereof; however, the issuance purchase, sale, exercise endorsement or guarantee, by or through a person registered with the Secretary of State, pursuant to Illinois Revised Statutes, Chapter 12 ½; Section 137.8 or by through a person exempt from registration under Chapters 121 ½; Section 137.8 of a put, call or other option to buy or sell securities which have been registered with the Secretary of State, or which are exempt from such registration under Illinois Revised Statutes, Chapter 121 ½; Section 137.8 is not gambling within the meaning of this paragraph; or

(E) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been or are recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

(F) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or

(G) Sets up or promotes any lottery or Sells, Offers to Sell or Transfer any ticket or share for any lottery; or

(H) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or

(I) Knowingly advertises any lottery or policy game or drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record document, or similar device, or any advertisement of any lottery or policy game; or

(J) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio semaphore, Computer or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subsection prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

SECTION 2. NO GAMBLING PERMITTED EXCEPT AS PROVIDED HEREIN

(A) No gambling shall be permitted and no gambling device shall be kept in any premises licensed hereunder except as is pursuant to applicable federal, State of Illinois or municipal law, rule regulation or ordinance to the extent such activity complies with all requirements provided for therein. However, this prohibition shall not apply to any game or gaming event for which a license or permit has been issued by the Illinois Department of Revenue pursuant to the Pull Tabs and Jar Games Act, 230 ILCS 30/1 et seq.; the Bingo License and Tax Act, 230 ILCS 25/1 et seq.; or the Charitable Games Act, 230 ILCS 30/1 et seq., and such game or gaming event is conducted in compliance with all requirements of said acts and all rules and regulations of the Illinois Department of Revenue.

SECTION 3. VIDEO GAMING TERMINALS

(A) For purposes of this section, the definitions and requirements of the Video Gaming Act as in force and effect in the State of Illinois is hereby incorporated into this Division by this reference.

(B) Any person who owns a video gaming terminal for use in the Village shall obtain a video gaming terminal operator's license.

(C) Any person who owns any place of business in which a video gaming terminal is located shall obtain gaming terminal establishment license.

(D) Any person located in the Village who manufactures, distributes or supplies video gaming terminals who does not have a video gaming terminal operator's licenses shall obtain a video gaming terminal supplier's license.

(E) No person shall allow the placement or use of any video gaming terminal unless the terminal has been registered with the Village.

(F) The term for all licenses or registrations required shall commence on January 1 and expire on December 31 of the same calendar year.

(G) License and registration fees. The fees for video gaming terminal operator's licenses, a video gaming terminal establishment license or a video gaming terminal supplier's license shall be \$25.00 annually. The Video gaming terminal registration fee shall be \$25.00 per terminal annually.

(H) No person who does not meet the requirements for a liquor license or is convicted of any gambling offense shall be issued any license under this section.

(I) The approving authority shall be the Mayor.

(J) In the event of a revocation or denial of any license or registration under this section, such person shall not be issued any license provided for in this article for one calendar year following the revocation or any appeal thereof.

SECTION 4. SEIZURE OF GAMBLING DEVICES, GAMBLING FUNDS

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device, and shall be subject to seizure, confiscation, and destruction by the city except as is pursuant to applicable federal, State of Illinois or municipal law, rule regulation or ordinance to the extent such activity complies with all requirements provided for therein. As used in this section, a gambling device includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value or so constructed as to return, or to cause someone to return on chance to the player thereof money, property, or a right to receive money or property.. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use of the device.

SECTION 5: EFFECT DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

ADOPTED this 6th day of August, 2012 pursuant to roll call vote as follows:

AYES: 4

NAYS: 0

2 Absent

Bette Rankins
BETTE RANKINS, Village Mayor

ATTEST:

FILED IN THE OFFICE OF THE VILLAGE CLERK
VILLAGE OF MT. AUBURN, ILLINOIS
ON THE 6th DAY OF August, 2012

CERTIFICATE

STATE OF ILLINOIS)

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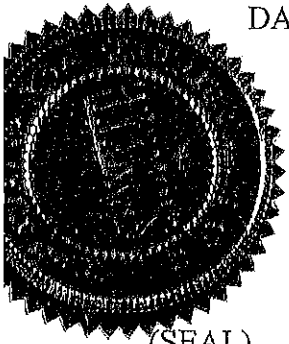
COUNTY OF CHRISTIAN)

I, Linda M Reeter certify that I am the Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on August 6, 2012, the Board of Trustees of said Village passed and approved Ordinance No. 138, entitled "AN ORDINANCE AMENDING 11-6-8 OF THE 1988 VILLAGE CODE OF MT. AUBURN AS AMENDED, REGARDING THE VIDEO GAMING ACT.

The pamphlet form of Ordinance No. 138 including the Ordinance and the cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, Commencing on August 6, 2012, and continuing for at least ten day thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois this 6th day of August, 2012.



(SEAL)

Linda M. Reeter
Linda M. Reeter, Village Clerk of Mt. Auburn