

VILLAGE OF GLENCOE

ORDINANCE NO. 2009-17-3250

AN ORDINANCE AMENDING CHAPTER 24 OF
GLENCOE VILLAGE CODE REGARDING GAMBLING

WHEREAS, the Video Gaming Act, 230 ILCS 40/1, *et seq.* (the "**Video Gaming Act**") allows the use of video gaming terminals in certain establishments throughout the State; and

WHEREAS, Section 5 of the Video Gaming Act defines video gaming terminals as "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 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;" and

WHEREAS, Section 27 of the Video Gaming Act provides that a municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality; and

WHEREAS, Sections 24-23 through 24-25 of the Glencoe Village Code generally prohibit gambling within the Village limits; and

WHEREAS, to ensure that the Village's current policy extends to video gaming terminals, the President and Board of Trustees of the Village of Glencoe have determined that the best interests of the Village and its residents will be served by amending the Village Code to expressly prohibit video gaming terminals as defined in the Video Gaming Act;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Amendment of Section 24-24 of the Village Code. Section 24-24, entitled "Same—Gambling places and devices," of Chapter 24, entitled "Offenses – Miscellaneous," of the Glencoe Village Code is hereby amended in its entirety, so that Section 24-24 shall hereafter be and read as follows:

24-24 Same—Gambling places and devices.

It shall be unlawful for any person to keep a place for gambling in any building, booth, yard, garden, boat, or float used or occupied by himself or his agent, or to procure or permit any persons to frequent or to come together to play for money or other valuable things at any game in any such building, booth, yard, garden, boat, or float. It shall also be unlawful for any person to possess or use any table, device, or paraphernalia or other apparatus for playing any game or sport for money or any valuable thing, or keep or allow to be used or rented any such place for gambling purposes. For purposes of the foregoing sentence, a "device" for gambling purposes includes without limitation any video gaming terminal, as defined in the Video Gaming Act, 230 ILCS 40/5; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "device" for gambling purposes does not include:

(a) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

(b) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form in the manner provided by law.

Passed this 17th day of September 2009.

AYES: Bhote, Cowans, Keefe, Levin, Shubart and Solomon (6)

NAYS: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Approved this 17th day of September 2009.

/s/ Scott M. Feldman
Village President

ATTEST:

/s/ David A. Clark
Deputy Village Clerk

Published in pamphlet form this 17th day of September 2009.

/s/ David A. Clark
Deputy Village Clerk

Posted this 17th day of September 2009.

/s/ David A. Clark
Deputy Village Clerk

Approved as to form.

/s/ Victor Filippini
Village Attorney