

ORDINANCE NO. 2019- 14

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II, DIVISION 3 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING VIDEO GAMING

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Municipal Code, Village of Stickney, Illinois (the "Village Code") currently sets forth certain regulations related to video gaming in the Village (the "Existing Regulations"); and

WHEREAS, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time, particularly as a result in certain changes in the law; and

WHEREAS, Public Act 101-0031 amended the Video Gaming Act to increase the allowed number of video gaming terminals at a licensed establishment from five (5) to six (6), to define Licensed large truck stop establishment, and to allow Licensed large truck stop establishments to have ten (10) video gaming terminals; and

WHEREAS, the Corporate Authorities wish to amend its code to be consistent with the recently amended state law; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 10, Article II, Division 3 of the Village Code as set forth below;

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

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 10, Article II, Division 3 of the Village Code to update, amend, and clarify the Village's Existing Regulations, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 10, ARTICLE II, DIVISION 3
OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

SECTION 3.0 AMENDMENT OF CHAPTER 10, ARTICLE II, DIVISION 3

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 10, Article II, Division 3 by striking out any language to be removed or repealed and underlining any new language as follows:

DIVISION 3. - VIDEO GAMING

Sec. 10-81. - Definitions.

{The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:}

Establishment means the entire location of the business operated by the licensee, including but not limited to all rooms, subtenancies and auxiliary or supplemental uses of the business.

Video gaming, as legalized by the Illinois Video Gaming Act, will legalize video gaming in Illinois at truck stops, bars and other venues permitting alcohol consumption.

Licensed large truck stop establishment means a facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs: (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

Sec. 10-82. - Video gaming permitted only on premises where alcoholic liquor is sold at retail—Payment of sticker fee.

(a) Any establishment within the village which is licensed to sell alcoholic liquor pursuant to a class K liquor license, unless otherwise authorized pursuant to section 6-43, and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a video gaming sticker from the village for each video gaming terminal located at such establishment.

(b) Any person licensed to sell alcoholic liquor pursuant to a class K liquor license, unless otherwise authorized pursuant to section 6-43, may apply to the liquor control commissioner for a village video gaming sticker on an application form provided by the village and shall specify the name and address of the operator of the premises and the name and address of the owner of each video gaming terminal for which a video gaming sticker is being sought.

- (c)The sticker fee for the operator of the premises shall be \$500.00 per year, payable annually in advance, for each video gaming terminal set up for operation, leased or distributed to the operator of the premises. The sticker fee for the owner of each video gaming terminal shall be \$500.00 per year, payable annually in advance, for each video terminal set up for operation.
- (d)All video gaming terminals at premises within the village shall display a village video gaming sticker at all times.
- (e)Village gaming stickers shall not be issued for any video gaming terminal on any premise that is located within 1,000 feet of a horse racing or riverboat gambling facility or is located within 100 feet of a school or place of worship. The restriction does not apply if the church or school is established after the issuance of the liquor license.
- (f)No more than ~~five~~ six (6) video gaming terminals may be located on any premises where alcoholic liquor is sold.
- (g)Video gaming terminals must be located in an area that is restricted to persons over 21 years of age. The entrance to such area must be within the view of at least one employee.
- (h)No holder of a license to sell alcoholic liquor may cause or permit any person under the age of 21 years to use or play a video gaming device.
- (i)Video gaming may be played only during the hours of operation for the consumption of alcohol at that establishment.
- (j)Any holder of a liquor license must comply with any provision of the act and must ~~also~~ also follow all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- (k)Annual fees to be paid shall be for a calendar year without proration should the video gaming terminal operate for any portion of any calendar year.
- (l)Any violation of any provision of this section shall be deemed a violation of the provisions of this chapter and subject to enforcement.
- (m)No video gaming sticker shall be issued for any establishment which has been in operation and open to the public at its current location for fewer than six months, except as authorized by a majority vote of the board of trustees.

Secs. 10-83—10-100. - Reserved.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith, including, but not limited to, the installation of any street or parking signs as contemplated herein. The officers,

employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

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PASSED this 17th day of September, 2019.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 17th day of September, 2019.

Jeff Walik, President

ATTESTED AND FILED in my
office this 18th day of September, 2019.

Audrey McAdams, Village Clerk