

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 12-08-05-50

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF
LE ROY, ILLINOIS, 2003 (AS AMENDED) TO GRANT AUTHORITY FOR THE
OPERATION OF CERTAIN VIDEO GAMING TERMINALS**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
20th Day of August, 2012

PRESENTED: **August 20, 2012**

PASSED: **August 20, 2012**

APPROVED: **August 20, 2012**

RECORDED: **August 20, 2012**

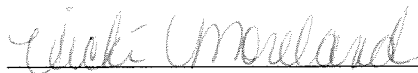
PUBLISHED: **August 20, 2012**

In Pamphlet Form

Voting "Aye" 6
Voting "Abstain" 1
Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Vicki Moreland, Deputy City Clerk
of City of Le Roy, Mc Lean County, Illinois

Dated: August 20, 2012



**CITY OF LEROY
MCLEAN COUNTY, ILLINOIS**

ORDINANCE 12-08-05-50

**AN ORDINANCE
AMENDING THE CITY CODE TO
GRANT AUTHORITY FOR THE OPERATION
OF CERTAIN VIDEO GAMING TERMINALS**

WHEREAS, the City of LeRoy (the "City") is an Illinois non-home rule municipal corporation organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, and all laws supplemental thereto; and

WHEREAS, Illinois Public Act 96-34 created the Video Gaming Act (the "Act"), 230 ILCS 40/1, *et seq.*, for the purpose of authorizing the operation of video gaming terminals in licensed retail establishments where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises; and

WHEREAS, the City has exercised its authority to regulate and license establishments which sell alcoholic liquors at retail by enacting such ordinances which are codified in Title 3, Chapter 3 of the City of LeRoy City Code (the "Code"), and has otherwise regulated gambling in its Code; and

WHEREAS, the Mayor and City Council find it in the best interest of the residents, and that it will advance the welfare of the City, to expressly allow the operation of certain Video Gaming Terminals authorized by the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, McLean County, Illinois, as follows:

Section 1. Recitals. The Mayor and City Council hereby find that the foregoing recitals are a full, complete and accurate representation of the purpose and intent of this Ordinance, direct that the Ordinance be liberally construed to accomplish the purpose and intent herein described, and

incorporate the recitals the same as though fully set forth herein. In the event that any provision or application of this Ordinance is found invalid or unenforceable, it is the desire of the Mayor and City Council for the court making such finding to treat the remaining provisions and alternate applications as severable from the invalidity or unenforceability and to remain in full force and effect to the maximum extent permitted by law.

Section 2. Definitions. All capitalized terms not otherwise defined herein shall have the same meaning ascribed thereto in the Act, including but not limited to the Board, Video Gaming Terminal and Licensed Establishment.

Section 3. Amendments.

- a. Title 3, Chapter 3, Section 22(E) of the Code shall be amended to read, in its entirety, as follows:

3-3-22: PROHIBITED ACTS AND CONDITIONS

(. . . .)

E. It shall be unlawful for any licensee, or for any officer, associate, member, representative, agent or employee of such licensee to permit or allow anyone to play for money, or other valuable thing, at any game involving cards, dice or checks, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money or any other thing or article of value or to bet on any game others may be playing upon any premises licensed under this chapter. No gambling device shall be kept or used upon any premises licensed hereunder. Notwithstanding, Video Gaming Terminals may be operated in accordance with the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and the regulations of the Illinois Gaming Board promulgated thereunder, at Licensed Establishments, and nothing in this Code shall be construed to prohibit Video Gaming Terminals operated at Licensed Establishments in accordance with the Video Gaming Act.

(. . . .)

- b. Title 3, Chapter 5, Section 4(A)(1) of the Code shall be amended to read, in its entirety, as follows:

3-3-22: CONDITIONS OF OPERATION

(. . . .)

A. Generally: The premises upon which is located any amusement device licensed under the provisions of this chapter shall be operated in accordance with the following regulations:

1. Gambling Prohibited: It shall be unlawful to permit gambling on the premises. Any licensee or attendant who observes any gambling on the premises or has reasonable grounds to suspect that gambling is taking place shall immediately cause the removal from the premises of such persons as are involved in the gambling activity. Notwithstanding, Video Gaming Terminals may be operated in accordance with the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and the regulations of the Illinois Gaming Council promulgated thereunder, at Licensed Establishments, and nothing in this chapter shall be construed to prohibit Video Gaming Terminals operated at Licensed Establishments in accordance with the Video Gaming Act.

(. . . .)

- c. Title 4, Chapter 1, Section 4(B) of the City Code shall be amended to read, in its entirety, as follows:

3-3-22: CONDITIONS OF OPERATION

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of section 4-1-2 of this chapter:

(. . . .)

B. Gambling Devices: All gambling devices and slot machines. Notwithstanding, Video Gaming Terminals may be operated in accordance with the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and the regulations of the Illinois Gaming Council promulgated thereunder, at Licensed Establishments, and nothing in this chapter shall be construed to prohibit Video Gaming Terminals operated at Licensed Establishments in accordance with the Video Gaming Act.

(. . . .)

- d. Title 3, Chapter 5, Section 6 of the City Code shall be amended to read, in its entirety, as follows:

3-5-6: GAMBLING DEVICES PROHIBITED

Nothing in this chapter shall be construed to permit any gambling device or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to any future laws of the state. Notwithstanding, Video Gaming Terminals may be operated in accordance with the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and the regulations of the Illinois Gaming Council promulgated thereunder, at Licensed Establishments, and nothing in this chapter shall be construed to prohibit Video Gaming Terminals operated at Licensed Establishments in accordance with the Video Gaming Act.

- e. There shall be added to the City Code of the City of LeRoy a Section 3-3-2(C) (Title 3, Chapter 3, Section 2(C), which shall read as follows:

3-3-2: LOCAL LIQUOR CONTROL COMMISSIONER

(. . . .)

C. Certain Video Gaming Terminals Allowed. Nothing in this Chapter shall be construed to prohibit Video Gaming Terminals operated in accordance with the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and the regulations of the Illinois Gaming Council promulgated thereunder, nor shall conduct authorized in accordance with the Video Gaming Act serve as a grounds for the suspension or revocation of a license issued under this Chapter.

Section 4. Repeal. Any City Ordinance or other law that is in conflict with the provisions of this Ordinance shall be repealed, but only to the extent of the conflict.

Section 5. Effective Date. This Ordinance shall become effective upon passage and approval in the manner provided by law.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Dawn Hanafin, and seconded by Rae Ann Ahlers by roll call vote on the 20th day of August, 2012 as follows

Aldermen Elected 8

Aldermen Present 7

Voting Aye:

Dawn Hanafin, T.A. Whitsitt, Dawn Hanafin, Rae Ann Ahlers, Monti Albert, James Bratcher, Matt Shivers

Voting Nay:

None

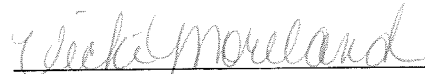
Absent:

Abstain:


Mike Bailey

Other: One seat currently vacant in Ward Two due to Aldermen Jeff Lewis resignation.


And deposited and filed in the office of the City Clerk in said municipality on the 20th day of August, 2012.


Vicki Moreland, Deputy City Clerk
of the City of Le Roy, Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 20th day of August, 2012


Steve Dean Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)


Vicki Moreland, Deputy City Clerk
of the City of Le Roy, Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **August 20, 2012** the Corporate Authorities of such municipality passed and approved **Ordinance No. 12-08-05-50** entitled:

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF
LE ROY, ILLINOIS, 2003 (AS AMENDED) TO GRANT AUTHORITY FOR THE
OPERATION OF CERTAIN VIDEO GAMING TERMINALS**


Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **12-08-05-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on August 20, 2012 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 20th day of August, 2012.

(SEAL)





Vicki Moreland, Deputy City Clerk
of the City of Le Roy, Mc Lean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

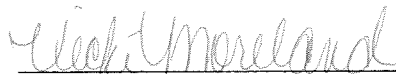
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LE ROY, ILLINOIS, 2003 (AS AMENDED) TO GRANT AUTHORITY FOR THE OPERATION OF CERTAIN VIDEO GAMING TERMINALS

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 20th day of August 2012 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 20th day of August, 2012.

(SEAL)



Vicki Moreland, Deputy Clerk
of the City of Le Roy, Mc Lean County, Illinois

