

CITY OF LE ROY  
COUNTY OF McLEAN, STATE OF ILLINOIS

**ORDINANCE NO. 19-09-09-50**

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 5 OF THE MUNICIPAL  
CODE OF LE ROY, ILLINOIS, 2006**

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

**3rd Day of September, 2019**

PRESENTED: **September 3, 2019**

PASSED: **September 3, 2019**

APPROVED: **September 3, 2019**

RECORDED: **September 3, 2019**

PUBLISHED: **September 3, 2019**

In Pamphlet Form


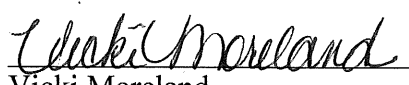
Voting "Aye" 5

Voting "Nay" 0

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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  
City Clerk of the City of  
Le Roy, McLean County, Illinois

Dated: **September 3, 2019**

**ORDINANCE NO. 19-09-09-50**

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 5 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006**

**WHEREAS**, the Mayor and City Council of the City of Le Roy, McLean County, Illinois, an Illinois municipal corporation, has enacted the Municipal Code for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people; and

**WHEREAS**, the State of Illinois amended the Illinois Gambling Act (230 ILCS 10/1 *et seq.*) and the Video Gaming Act (230 ILCS 40/1 *et seq.*), and which amendments became effective June 28, 2019; and

**WHEREAS**, pursuant to the amendments, the Mayor and City Council may reasonably regulate the location and number of video gaming terminals within the corporate limits of the City of LeRoy; and

**WHEREAS**, the Mayor and the City Council wish to bring the City of LeRoy Municipal Code in line with the recent amendments,

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Le Roy, Illinois in lawful meeting assembled on Tuesday, September 3, 2019, as follows:

**SECTION 1.** Title 3, Chapter 5, of the Municipal Code of the City of Leroy shall be amended and will read as follows by ~~strikethrough~~ for omitted language and **bold** for added language:

3-5-1: RULES AND DEFINITIONS: The language set forth in this chapter shall be interpreted in accordance with the following rules of construction:

- A. The singular of any word includes the plural thereof, and the plural of any word includes the singular thereof.
- B. The word “shall” is mandatory; the word “may” is permissive.
- C. Wherever in this chapter the following words and terms are used, they shall have the meanings respectively ascribed to them as follows, except when the context dictates otherwise:
  1. **AMUSEMENT ARCADE**: Any building or structure of a portion thereof within which are kept for use or operation of the public four (4) or more automatic amusement devices which shall be subject to the amusement license fee established by the city.
  2. **ATTENDANT**: An owner, agent, or employee of a licensee, provided such owner, agent, or employee is over the age of twenty-one (21) years.
  3. **AUTOMATIC AMUSEMENT DEVICE**: Any “coin in the slot operated amusement device” or any “table game”, which devices are defined as follows:

- a. **COIN IN THE SLOT OPERATED AMUSEMENT DEVICE:** A machine or other device designed for self-service use and designed upon the insertion of a coin to deliver to the player/operator thereof no money or property or right to receive money or property but only the right of operation or play, which machine or other device shall include, but not be limited to, pinball machines, shuffleboards, bowling machines and any photoelectric or electronic amusement device which in its operation shoots or propels an electric light, ray, or impulse to a target but which machine or other device shall not include merchandise vending machines.
  - b. **TABLE GAME:** Any device, whether controlled by skill or chance, for the operation of the game, pastime or contest by the manipulation of a marble, sphere, or of objects and figures, or by controlling the movement of same, or by setting same in motion by electrical, electronic and/or mechanical means which (for the purpose of construing the terms within this chapter) “device shall not include any of the following:
    - i. Bagatelle table, a table having nine (9) holes for the playing of a game somewhat like pocket billiards, played with cues but with nine (9) balls;
    - ii. Billiards, a game played upon a billiard table having no holes, played with cues and with three (3) balls;
    - iii. Bumper pool, a game played upon a billiard table having one hole at each end and bumpers in the center played with cues, somewhat like pocket billiards but with eleven (11) balls;
    - iv. Pool or pocket billiards, any number of variations of a game played upon a billiard table having six (6) holes (1 in each corner and 1 at the center of both of the longer sides of such table) or pockets, played with cues and one through fifteen (15) balls.
4. **BILLIARD PARLOR OR POOL HALL:** An establishment operated for profit and offering the use of one or more billiard tables to the public.
  5. **BILLIARD TABLE:** An oblong, felt covered table that has raised, cushioned edges and upon which the games of bagatelle, bumper pool, billiards or pocket billiards or pool (all as described in the definition of “automatic amusement device: table game” in this section) are played; commencement of playing upon which table is not prompted by the insertion of a coin.
  6. **BOWLING ALLEY:** A building or structure housing at least one (1) lane for rolling composition balls at ten (10) pins; the commencement of play upon such alley is not prompted by the insertion of a coin.
  7. **CAUSE THE REMOVAL:** Requesting persons involved with illegal activity (or activity in violation of the City Code) to leave the premises and, if such person to whom the request is directed refuses to leave the premises, calling the police department and making formal complaint against such persons involved with such illegal activity.

8. COIN: A piece of metal certified by a mark or marks upon it as being of a definite intrinsic or exchange value and issued by the United States government for use as money but which, for purposes of this chapter, may include any slug, token, plat or disc which, when inserted in a slot, may prompt the commencement of the operation of any coin in the slot operated amusement device.
9. LICENSED PREMISES: Any premises upon which a duly licensed amusement arcade, bowling alley, or billiard parlor, or pool hall is located.
10. LICENSEE: A person, firm, or corporation holding a license pursuant to the terms of this chapter.
11. PUBLIC: The community at large.
12. VIDEO GAMING TERMINAL: **Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, 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.**

### 3-5-2: LICENSES AND COMPLIANCE REQUIRED:

#### A. Amusement Establishments:

1. It shall be unlawful for any person to install, maintain, or operate for use by the public any amusement arcade, billiard parlor, or pool hall, or bowling alley, except in compliance with the provisions of this chapter.
2. It shall be unlawful for any person to install, maintain, or operate for use by the public any amusement arcade, billiard parlor, or pool hall, or bowling alley without first having applied for and obtained a business license therefor from the city clerk in the manner provided in Chapter 1 of this title.

#### B. Amusement Devices: It shall be unlawful for any person to keep, own, or rent any music machine, skill, or similar entertainment device or machine operated either by coins, slugs, tokens or similar remuneration in any building, room, or public place in the city without first having obtained a license therefor from the city.

### 3-5-3: LICENSE FEES:

(Repealed by Ord. 07-04-03-10, 4-30-2007)

- A. **Amusement Establishments: All fees for business licenses required by reason of the regulations contained in subsection 3-5-2A of this chapter shall be paid in advance at the time application therefor is made to the city clerk in the amount prescribed by the city.**
- B. **Amusement Devices: License fees for skill or entertainment devices shall be twenty-five (\$25.00) dollars per year for one or more machines, said fee to be paid for the privilege of having one or more machines at any location. Such fee shall be due per building, room or public place in the city, it being the intention of the city that at one location under the name of one owner of the business at that location that should the owner have any such skill or**

**entertainment machines at said location, the fee due annually for the license for such skill or entertainment devices at that location under the same ownership shall be twenty-five (\$25.00) dollars per year.**

- C. Video Gaming Terminals: License fees for video gaming terminals shall be twenty-five (\$25.00) dollars per year per terminal, said fee to be paid at LeRoy City Hall for the privilege of having such machines at the licensee's location. Said fee shall be paid on or before April 30th of each year.**

**3-5-4: 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 Board** 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**.
  2. **Noise Prohibited:** It shall be unlawful for any licensee or attendant to permit any noise, either by mechanical or electronic means, or noise on the part of the patrons, which shall cause a disturbance to uses adjacent and/or surrounding the licensed premises as would cause the normal use of said adjacent and/or surrounding uses to be damaged or unreasonable disturbed.
  3. **Intoxicated Persons Prohibited:** It shall be unlawful for any licensee or attendant to permit any individual under the influence of alcohol or drugs on the licensed premises. Any licensee or attendant who observes or reasonably suspects any individual on the licensed premises to be under the influence of alcohol or drugs shall immediately cause the removal of the individual from the licensed premises.
  4. **Report of Disturbances:** All licensees and attendants shall have the affirmative duty to report to the police department any and all incidents or a disturbance of the peace which takes place within the licensed premises or outside the licensed premises within one hundred (100) feet from the entrance, whether personally observed or upon observation and notification by another.
  5. **Crowding:** It shall be the responsibility of the licensee to see that the licensed premises does not become overcrowded so as to constitute a hazard to the health or safety of persons therein.
- B. **Additional Regulations for Arcades:**
1. **Food, Drinks, and Smoking Prohibited:** No food, drinks, or smoking shall be allowed within the amusement arcade, and no cigarette machines shall be installed.

2. Closing Hours: The licensed premises shall not be open to the public prior to nine o'clock (9:00) A.M., nor after ten thirty o'clock (10:30) P.M. on Mondays through Thursdays; said premises shall not be open to the public prior to nine o'clock (9:00) A.M. nor after eleven thirty o'clock (11:30) P.M. on Fridays and Saturdays; and said premises shall not be open to the public prior to twelve o'clock (12:00) noon nor after ten thirty o'clock (10:30) P.M. on Sundays.
3. Building and Premises Requirements:
  - a. Any amusement arcade shall be contained within a completely enclosed building which shall have no openings other than self-closing doors and/or stationary insulated glass windows facing any adjacent residentially zone or developed property.
  - b. Any amusement arcade shall be insulated to prevent excessive lights, noise, or any other offensive factors from penetration into or onto any property within one hundred (100) feet of said amusement arcade.
  - c. Any amusement arcade shall be physically separated from a business establishment of another character whenever such amusement arcade is located within, or in conjunction with, said business. Such physical separation shall be by way of partitions, doors, etc., which insulated said business from the noise of the amusement arcade.
4. Attendants: During the hours that any licensed amusement arcade is in operation, each licensee shall provide one (1) full time attendant for each twenty (20) automatic amusement devices, or fractional portion thereof, located upon the licensed premises.

**C. Video Gaming Terminals: Video gaming terminals licensed and located within the corporate limits of the City of LeRoy must comply with all requirements identified in the Video Gaming Act (230 ILCS 40/1 *et seq.*) and the Illinois Gambling Act (230 ILCS 10/1 *et seq.*), as well as the regulations set forth by the Illinois Gaming Board (Title 11, Subtitle D, Chapter I, Part 1800: Video Gaming), including the maximum number of video gaming terminals permitted based on the licensed establishment type. In addition, licensees must comply with all other applicable municipal requirements under the LeRoy City Code including, but not limited to, zoning, business operations, liquor licensing, and public safety.**

**3-5-5: NUMBER OF AUTOMATIC AMUSEMENT DEVICES:**

It shall be unlawful for any person to maintain upon any premises in excess of three (3) automatic amusement devices unless the premises is licensed by the city as an amusement arcade.

**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 Illinois Compiled Statutes ILCS 40/1 *et seq.*), and the regulations of the Illinois Gaming Board promulgated thereunder, at

licensed establishments, and nothing in this chapter shall be construed to prohibit video gaming terminals operated a licensed establishments in accordance with the Video Gaming Act.

**3-5-7: PENALTY:**

Any person convicted of violating any provision of this chapter shall be subject to penalty as provided in Title 1, Chapter 4 of this code.

**PASSED** by the City Council of the City of Le Roy, Illinois, upon the motion made by Kelly Lay and seconded by Kyle Merkle by roll call vote on the 3<sup>rd</sup> day of September, 2019 as follows

Aldermen elected 8

Aldermen Present 5

Voting Aye:

Dawn Hanafin, Kyle Merkle, Kelly Lay, Ron Legner, Greg Steffen.

Voting Nay:

None

Absent:

Rick Kline, Brad Poindexter, Matt Steffen

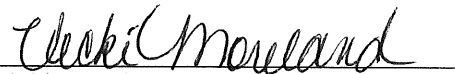
Abstain:

None

Other:

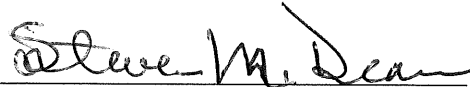
None

And deposited and filed in the office of the City Clerk in said municipality on the 3<sup>rd</sup> day of September, 2019.



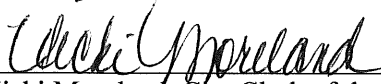
Vicki Moreland, City Clerk of the  
City of Le Roy  
Mc Lean County, Illinois

**APPROVED BY** the Mayor of the City of Le Roy, Illinois, this 3<sup>rd</sup> day of September, 2019



Steven M. Dean, Mayor of the City of Le Roy,  
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, 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 September 3, 2019 the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 19-09-09-50**


**AN ORDINANCE AMENDING TITLE 3; CHAPTER 5 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006**

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

The pamphlet form of **Ordinance No. 19-09-09-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **September 3, 2019** 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 3<sup>rd</sup> day of September, 2019.

(SEAL)

  
\_\_\_\_\_  
Vicki Moreland  
City Clerk of the City of  
Le Roy, McLean 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 TITLE 3; CHAPTER 5 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 3<sup>rd</sup> day of September, 2019 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 3<sup>rd</sup> day of September, 2019

\_\_\_\_\_  
(SEAL)

Vicki Moreland  
Vicki Moreland, City Clerk of the  
City of Le Roy,  
McLean County, Illinois