

VILLAGE OF MULBERRY GROVE, ILLINOIS

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ORDINANCE NO. 665

AN ORDINANCE REPEALING ORDINANCE NUMBER  
582 AND AUTHORIZING AND REGULATING  
VIDEO GAMING WITHIN  
THE VILLAGE OF MULBERRY GROVE

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ADOPTED BY THE  
BOARD OF TRUSTEES  
OF THE VILLAGE OF  
MULBERRY GROVE, ILLINOIS  
THIS 7<sup>th</sup> DAY OF MARCH, 2022.

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Published in pamphlet form by the authority of the Board of Trustees of the  
Village of Mulberry Grove, Bond County, Illinois, this 7 day of March, 2022.

*Prepared by:*

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STATE OF ILLINOIS  
COUNTY OF BOND  
VILLAGE OF MULBERRY GROVE

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WHEREAS, the Video Gaming Act (230 ILCS 40/1 *et seq.*) enacted July 13, 2009, legalizes the use of video gaming terminals in specific locations in Illinois; and

WHEREAS, 65 ILCS 5/11-55.1 authorizes municipalities to regulate and control coin-operated amusement devices; and

WHEREAS, the Illinois Liquor Control Act and the Village of Mulberry Grove Liquor Control Ordinance permit the Village of Mulberry Grove to license and regulate establishments that sell and dispense alcoholic beverages; and

WHEREAS, on May 3, 1937, the Village of Mulberry Grove Board of Trustees adopted Ordinance 205 ("Prohibiting Ordinance") prohibiting gambling of any nature within the Village of Mulberry Grove; and

WHEREAS, the President and Board of Trustees of the Village of Mulberry Grove now wish to repeal the Prohibiting Ordinance and permit video gaming in the Village of Mulberry Grove subject to the terms and conditions of this Ordinance.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MULBERRY GROVE, BOND COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE – Definitions: "Video gaming terminal" means 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 Illinois Gaming 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. (230 ILCS 40/5). "Video Gaming Act" means the Illinois Video Gaming Act. (230 ILCS 40/1 *et seq.*).

SECTION TWO – Conflict: In the case of any conflict or inconsistency between this Ordinance and the Video Gaming Act, the Video Gaming Act shall control.

**SECTION THREE – Jurisdiction:** The Illinois Gaming Board shall have jurisdiction over and shall supervise all gaming operations governed by the Video Gaming Act. (230 ILCS 40/78(a)).

**SECTION FOUR – Where Video Gaming Terminals May Be Placed:**

- (a) Licensed retail establishments where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, and as otherwise defined in the Video Gaming Act.
- (b) Licensed truck stop establishments as defined in the Video Gaming Act.
- (c) Licensed fraternal establishments where a qualified fraternal organization that derives a charter from a national fraternal organization regularly meets.
- (d) Licensed veteran establishments where a qualified veterans organization that derive a charter from a national veterans organization regularly meets.

**SECTION FIVE – Restrictions on Operation:**

- (a) Location restrictions. Video gaming terminals may not be operated on any premises that are (i) located within 1,000 feet of a horse racing or riverboat gambling facility, or (ii) located within 100 feet of a school or place of worship. These distances will be determined by measuring the distance from a proposed or existing Licensed Video Gaming location to a preexisting facility by drawing a straight line between the closest part of any building used for the proposed or existing licensed video gaming location and the closest part of any building used for the facility. When located within a subsection of property (e.g., a tenant in a shopping center or commercial condominium), measurement shall be from the boundaries of the establishment's leased building premises.
- (b) Number of machines. There may not be more than six (6) machines on any premises.
- (c) Location of machines. Video gaming terminals must be located in an area that is restricted to persons over 21 years of age. The entrance to that area must be within the view of at least one employee.
- (d) Age restrictions. No licensee may cause or permit any person under the age of 21 years to use or play a video gaming terminal.
- (e) Liquor license required. Each establishment, except truck stops and fraternal organizations, must possess a valid liquor license issued by the Illinois Liquor Control Commission and the Village of Mulberry Grove.

(f) Hours of operation. Those premises that are licensed establishments, except truck stops and fraternal establishments, may operate video gaming terminals only during the hours of operation for the consumption of alcohol at that premises.

(g) Additional regulations. The Illinois Gaming Board has adopted rules that clarify some of the restrictions or conditions found in the Video Gaming Act, which rules and regulations as now in effect or as hereinafter amended shall be applicable to all licensed gaming locations in the Village of Mulberry Grove. Those rules can presently be found at 11 Ill. Adm. Code 1800.

**SECTION SIX – Compliance With Law:** All establishments shall comply with the Illinois Video Gaming Act, together with all other applicable laws, rules, regulations, and ordinances.

**SECTION SEVEN – Village License:**

**(a) License Required.**

(1) The owner of a video gaming terminal shall obtain a license issued by the Village for each such device located within the Village limits.

(2) It shall be unlawful for any person to install, keep, maintain, or use, or permit the installation, keeping, maintenance, or use upon his premises of any video gaming terminal unless a valid license issued under this Ordinance for the video gaming terminal is in effect.

(3) It shall be unlawful for any person to deliver video gaming terminals within the Village for use by any other person for gain or profit from the operation thereof unless a license therefor has been issued by the Village and the license fee has been paid for the current year.

(b) Application. Applications for the license required by this Ordinance shall be filed with the Village Clerk and shall contain the following information:

(1) The name, address, age, and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located.

(2) Prior criminal convictions of the owner of the video gaming terminal and the owner of the establishment, if any.

(3) ~~The place where the video gaming terminal is to be displayed or operated and the business conducted at that place.~~

(4) A description of the video gaming terminal to be covered by the license.

(5) Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment.

(c) Fee. The annual fee for the license required by this Ordinance shall be \$250.00 per machine.

(d) Expiration. Licenses issued pursuant to this Ordinance shall terminate at the end of the Village's fiscal year.

(e) Display. The license required by this Ordinance shall be prominently displayed next to the video gaming terminal(s).

(f) Revocation. The Village President, at any time, may notify any licensee under this Ordinance within five (5) business days of any charge of a violation of any of the provisions of this Ordinance or the Video Gaming Act in connection with the operation of any video gaming terminal. After a hearing presided over by the Village President, the Village President may order the revocation of the license upon a finding that the violation has occurred, and the license shall thereupon be terminated. The licensee may appeal the revocation as prescribed in this Ordinance to the Village Board of Trustees or as allowed by the Video Gaming Act.

**SECTION EIGHT – Penalty:** Any licensee found to be in violation of this Ordinance or the Video Gaming Act shall be subject to a fine of not less than \$150.00 and not more than \$750 per day for each day that such violation is determined to exist. In addition, any licensee found to be in violation of this Ordinance or the Video Gaming Act shall pay all of the reasonable costs, expenses and attorney's fees of the Village incurred as a result of such violation.

**SECTION NINE:** That all ordinances and parts of ordinances, including the Prohibition Ordinance, which are in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

**SECTION TEN:** That if any part or portion of this Ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this Ordinance.

**SECTION ELEVEN:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees.

Passed and adopted by the Board of Trustees of the Village of Mulberry Grove, Bond County, State of Illinois, on this 7 day of March, 2022, upon yea and nay vote as follows

AYE                    NAY                    ABSENT

Jim Blankenship

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Mike Burlinga

Charles Hall

Dennis Henrichsmeyer

Shawna Henrichsmeyer

David Koonce

APPROVED:

Cherie Henson  
Cherie Henson, Village President

ATTEST:

Dianne Siebert  
Dianne Siebert, Village Clerk

STATE OF ILLINOIS )  
 )  
 COUNTY OF BOND )

## **CERTIFICATION**

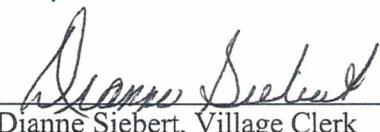
I, Dianne Siebert, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Mulberry Grove, Bond County, Illinois, and that as such officer, I am the keeper of the records and files of the Village of Mulberry Grove, Illinois.

I do further certify that the foregoing document is a true, correct and complete copy of Ordinance 165 as passed by the Board of Trustees of the Village of Mulberry Grove, Illinois, at the Village Board Meeting held on March 7<sup>th</sup>, 2022, said Ordinance being entitled:

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In witness whereof, I have hereunto affixed my official signature and the seal of the Village of Mulberry Grove, Bond County, Illinois, this 7<sup>th</sup> day of March, 2022.

  
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Dianne Siebert, Village Clerk  
Village of Mulberry Grove, Illinois