



**ORDINANCE NO. CO-2013-37**

**AN ORDINANCE CREATING A NEW CHAPTER 125 (VIDEO GAMING),  
OF TITLE XI (BUSINESS REGULATIONS) OF THE MAYWOOD VILLAGE CODE AND  
MAKING OTHER CHANGES RELATIVE TO VIDEO GAMING WITHIN THE VILLAGE**

**WHEREAS**, the Village of Maywood is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Video Gaming Act (230 ILCS 40/1, *et seq.*) became law July 13, 2009, and allows establishments licensed by the State of Illinois to conduct video gaming; and

**WHEREAS**, recognizing that some Illinois local jurisdictions would desire to prohibit video gaming, Section 27 of the Video Gaming Act permits counties and municipalities to prohibit video gaming by ordinance within their respective corporate limits or unincorporated areas; and

**WHEREAS**, prior to the enactment of the Video Gaming Act, the Maywood Village Code had specific prohibitions against gaming and gambling devices in several sections; and

**WHEREAS**, pursuant to the authority granted under the Video Gaming Act, and in accordance with the home rule authority granted to home rule municipalities as defined by Article VII, § 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood approve the Code Amendments relative to video gaming as set forth below.

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The above recitals are incorporated as if fully set forth herein as material terms and provisions.

**SECTION 2:** The Village of Maywood exercises its authority consistent with the Illinois Video Gaming Act (230 ILCS 40/1, *et seq.*), to allow video gaming within the Village of Maywood, effective immediately, pursuant to the terms, conditions and Code provisions set forth herein.

**SECTION 3:** Subsection (C) of Section 92.21 (Public Nuisances Prohibited) of the Maywood Village Code is amended to read in its entirety as follows:

*“(C) Public nuisances offending morals and decency. The following acts, omissions, places, conditions and things are 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 division (A) of this section:*

*(1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling, except the state authorized lottery and any activity when lawfully conducted in accordance with the provisions of Chapter 125 of this Code and the Video Gaming Act, 230 ILCS 40/1 et seq.*

(2) All gambling devices and slot machines, except devices lawfully licensed and operated as authorized by Chapter 125 of this Code and pursuant to the Video Gaming Act, 230 ILCS 40/1, et seq.;

(3) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code;

(4) Any place or premises within the Village where ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;

(5) Any person who controls any building and knowingly grants, permits or makes the building available for use for the purpose of unlawfully manufacturing or delivering a controlled substance."

**SECTION 4:** The table in Section 110.13(B) of the Maywood Village Code containing annual license fees for various businesses and business-related activities shall be amended by adding the following thereto in its proper alphabetical order:

"Video Gaming Terminals \$250 for the first terminal, and \$50 for each additional terminal"

**SECTION 5:** Subsection (A) of Section 114.07 (Coin and Non-Coin Operated Amusement Devices) of the Maywood Village Code is amended to read in its entirety as follows:

"(A) (1) The term **COIN AND NON-COIN OPERATED AMUSEMENT DEVICE** means any fortune telling machine, palm reading machine, pinball machine, or any other machine or device for a game of skill or science which does or does not return to the player of the device money or property or the right to receive money or property and which is governed or controlled by the deposit of a coin or token in a coin slot affixed to the machine, game or device or which is activated, governed, or controlled by a remote control switch, key, pushbutton or other mechanism or means, or activated in any other fashion.

(2) The term coin and non-coin operated amusement device does not include pool tables, billiard tables or other similar types of game tables which are controlled by a coin operated locking device, or any device lawfully licensed and operated as authorized by Chapter 125 of this Code and pursuant to the Video Gaming Act, 230 ILCS 40/1, et seq.

**SECTION 6:** Section 130.50 (Gambling) of the Maywood Village Code is amended by adding the following new subsection (J), to read in its entirety as follows:

"(J) *Exception.* The prohibitions set forth in this Section shall not apply to the location, maintenance or operation of any device lawfully licensed and operated as authorized by Chapter 125 of this Code and pursuant to the Video Gaming Act, 230 ILCS 40/1, et seq."

**SECTION 7:** Section 130.51 (Delivering Wagers) of the Maywood Village Code is amended by adding the following new subsection (F), to read in its entirety as follows:

“(F) The prohibitions set forth in this Section shall not apply to the location, maintenance or operation of any device lawfully licensed and operated as authorized by Chapter 125 of this Code and pursuant to the Video Gaming Act, 230 ILCS 40/1, et seq.”

**SECTION 8:** The Maywood Village Code is amended by adding a new Chapter 125 (Video Gaming), which shall read in its entirety as follows:

**“CHAPTER 125: VIDEO GAMING**

**§ 125.01 AUTHORIZATION.**

Video gaming terminals, as defined herein, may be located, possessed, maintained, and otherwise operated on premises within the Village by establishments licensed by the Illinois Gaming Board and by the Village, pursuant to the terms, conditions and requirements of this Section and of the Video Gaming Act, 230 ILCS 40/1 et seq. Establishments eligible to be licensed by the Illinois Gaming Board under the Video Gaming Act, as amended, include licensed retail establishments where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, certain fraternal organizations, certain veterans establishments, and certain truck stop establishments.

**§ 125.02 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 from time to time, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. Video gaming terminal does not include a machine that directly dispenses coins, cash or tokens.

**§ 125.03 LICENSE REQUIRED.**

No establishment licensed by the Illinois Gaming Board shall be permitted to operate any video gaming terminal in the Village pursuant to the Video Gaming Act, 230 ILCS 40/1, et seq., unless the establishment also has obtained a license and paid a yearly fee to the Village in the amount established by ordinance of the Village President and Board of Trustees from time to time for each video gaming terminal on its premises. No license may issue where the license applicant owes a debt, fine, fee or penalty to the Village.

**§ 125.04 APPLICATION.**

Application to the Village for a video gaming terminal license shall be made in conformity with Chapter 110 of this Code except as otherwise may be provided in this chapter. The application shall attach a copy of the State license, and shall in addition set forth:

- (1) The location of the premises where the video gaming terminal is to be located, maintained, or operated; and
- (2) The charge to be made to the player for operating the device; and
- (3) Such other information as the Village may determine is necessary.

**§ 125.05 MAXIMUM TERMINALS.**

No more than five (5) video gaming terminals may be located, maintained or operated in any one (1) establishment.

**§ 125.06 FEE.**

The fee for each license to locate, maintain or operate video gaming terminal shall be as set forth in § 110.13. The Village Clerk shall issue a decal or sticker for each licensed terminal to each establishment that obtains a license to locate, maintain or operate a video gaming terminal on its premises. This decal or sticker must be affixed by the applicant to the licensed video gaming terminal in a conspicuous place and must be kept on the device during all times the device is in use.

**§ 125.07 NON-TRANSFERABLE.**

No license issued under this chapter shall be transferable.

**§ 125.08 NUISANCE OPERATION.**

No license issued hereunder shall permit the operation of a video gaming terminal in a manner which will disturb the peace of persons otherwise properly within or without the premises where the terminal is located. No license issued hereunder shall permit the operation of such a terminal amounts to a nuisance in fact.

**§ 125.09 COMPLIANCE MONITORING.**

The Village Manager, Assistant Village Manager, Village Treasurer, Compliance Coordinator or other code enforcement officers, the Chief of Police, or any of their respective designees, each has the authority to monitor compliance with the provisions of this chapter.

**§ 125.10 LOCATION RESTRICTIONS.**

No establishment may be licensed under this chapter where it is located within 100 feet of a school or a place of worship.

**§ 125.11 PENALTY.**

(A) Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than \$100 and not more than \$750 for each violation, with each day such violation continues constituting a separate fineable offense. Fines may be assessed in administrative adjudication, through a local ordinance violation brought in circuit court, or by the Village President following a hearing as set forth below.

(B) Licenses issued under this chapter may be revoked or suspended for a period not to exceed thirty (30) days by the Village President, after notice and hearing as provided in subsections (4) and (5) of this section for any of the following causes:

(1) Any fraud, misrepresentation or false statement contained in the application for the license.

(2) Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license, or the premises occupied.

(3) Failure of the licensee to pay any amount, fine, fee or penalty owing to the Village or other State or federal agency with regulatory jurisdiction.

(4) The occurrence of two (2) or more disturbances at the premises occupied within a ninety (90) day period, or two (2) or more incidents involving injury or bodily harm to patrons, bystanders or police officers within a ninety (90) day period, provided that the Village President finds, upon the recommendation of the Police Chief, that as a result of the disturbances or incidents involving injury or bodily harm a public nuisance exists therein or thereat endangering the health, safety and welfare of the citizens of the Village.

(C) Revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances.

(D) Notice of the hearing before the Village President for revocation or suspension of a license or fine imposition shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested, to the licensee at the last known address at least twenty (20) days prior to the date set for the hearing.

(E) At the hearing the Village attorney shall present the complaint and shall represent the Village. An audio tape or verbatim transcript shall be made. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Village President shall preside and shall render a written decision within five (5) business days of the hearing's conclusion, which decision shall be final."

**SECTION 9:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 10:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 11:** Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

**SECTION 12:** This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 4th day of June, 2013, pursuant to a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) A. Dorris, M. Rogers, M. Lightford and R. Rivers

NAYS: None

ABSENT: Trustee A. Jaycox

APPROVED by me this 4 day of June, 2013, and attested by the Village Clerk on the same day.

Edmann P. ...  
VILLAGE PRESIDENT

ATTEST:

[Signature]  
VILLAGE CLERK

