Item #2:
Ordinance Extending Temporary Video Gaming Until February

12/02/15

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

AN ORDINANCE TEMPORARILY AMENDING SECTIONS 10-1-8 AND 3-2-5 OF THE LONG GROVE VILLAGE CODE REGARDING VIDEO GAMING

Adopted by the President and Board of
Trustees of the Village of Long Grove on
this 8th day of December, 2015

Published in pamphlet form by direction and
authority of the Village of Long Grove,
County of Lake, State of Illinois, on this
9th day of December, 2015

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

AN ORDINANCE TEMPORARILY AMENDING SECTIONS 10-1-8 AND 3-2-5 OF THE LONG GROVE VILLAGE CODE REGARDING VIDEO GAMING

WHEREAS, pursuant to Section 27 of the Video Gaming Act, 230 ILCS 40/1, *et seq.* (the "***Video Gaming Act***"), a municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality; and

WHEREAS, in 2009, the President and Board of Trustees of the Village of Long Grove passed an ordinance expressly prohibiting video gaming terminals as defined in the Video Gaming Act, and otherwise prohibiting gambling within the Village except with respect to such activities allowed under the Charitable Games Act, PA 84-1303; and

WHEREAS, in 2014, the President and Board of Trustees determined that it was in the best interests of the Village and its residents to authorize video gaming in accordance with the Video Gaming Act on a six-month trial basis to better understand the effects of such activities on the Village and its businesses; and

WHEREAS, pursuant to Ordinance No. 2014-O-09, the President and Board of Trustees temporarily amended Chapter 1 of Title 10 and Sections 3-2-5 and 3-2-14 of the Long Grove Village Code to permit video gaming devices for a trial period beginning on July 1, 2014 and ending on December 31, 2014 on premises holding a Class V liquor license; and

WHEREAS, due to the time required for the Illinois Gaming Board to approve and deliver video gaming machines, Class V license holders in the Village did not begin operation of video gaming machines until early October 2014; and

WHEREAS, to allow sufficient time for the trial program and the assessment of the effects of video gaming on the Village and its businesses, pursuant to Ordinance No. 2014-O-22, the President and Board of Trustees amended Sections 10-1-8 and 3-2-5 of the Village Code to extend the trial period to April 14, 2015; and

WHEREAS, on March 24, 2015 the President and Board of Trustees determined that it is in the best interests of the Village and its residents to further extend such trial period and permit video gaming devices on premises holding a Class V liquor license until August 12, 2015, as set forth in Ordinance 2015-O-04; and

WHEREAS, on August 11, 2015 the President and Board of Trustees determined that it is in the best interests of the Village and its residents to further extend such trial period and permit video gaming devices on premises holding a Class V liquor license until December 9, 2015, as set forth in Ordinance 2015-O-18; and

WHEREAS, the Village Board has since referred the question of video gaming to the Village's Plan Commission/Zoning Board of Appeals ("***PCZBA***") for public hearing and recommendation; and

WHEREAS, the President and Board of Trustees have determined that to sufficient time for consideration of the PCZBA's recommendation, it is in the best interests of the Village and its residents to further extend such trial period and permit video gaming devices on premises holding a Class V liquor license until February 29, 2016, as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Amendment of Section 10-1-8 of the Village Code. Section 10-1-8, entitled "Gambling Prohibited," of Chapter 1, entitled "General Offenses," of Title 10, entitled "Police Regulations," of the Long Grove Village Code is hereby amended in part, as follows:

> 10-1-8 GAMBLING PROHIBITED.
>
> (a) Except as expressly permitted pursuant to Chapter 9 of this Title 10, there shall be no gambling of any kind allowed within the Village of Long Grove, including use of any gambling device. A

"gambling device" is any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action or which money or other thing of value is staked, hazarded, bet, won or lost, including but not limited to, any video gaming terminal, as defined in the Video Gaming Act, 230 ILCS 40/5; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "gambling device" does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(b) Notwithstanding the prohibitions in Section 10-1-8(a), for the period beginning July 1, 2014 through ~~December 9, 2015~~ **February 29, 2016**, video gaming terminals shall be permitted to persons holding a Class V liquor license, subject to the terms and conditions incorporated into such Class V liquor license for the particular business.

SECTION THREE: Amendment of Section 3-2-5 of the Village Code. Section 3-2-5, entitled "License Classifications; Numbers; Fees," of Chapter 2, entitled "Liquor Control," of Title 3, entitled "Business Regulations," of the Long Grove Village Code is hereby amended in part, as follows:

3-2-5: LICENSE CLASSIFICATIONS; NUMBER; FEES:

The classification of licenses shall be as follows with the fees in subsection 12-1-2(G) of this code:

* * *

(N) Class V Limited License:

1. Classification: Class V licenses shall authorize the sale or distribution of alcoholic beverages on the premises in conjunction with video gaming devices, which license shall only be available to persons currently holding another liquor license issued by the

Village on the licensed premises, which other license permits on-premises consumption of alcohol. Any person applying for a Class V license shall be required to present plans for the licensed premises that depict where the video gaming devices will be located. There shall be no flashing lights and no sound within five feet of the machine, and devices must be located so as not to distract diners. Such location shall be segregated from areas of the licensed premises where access to persons under 21 years of age is prohibited, and shall otherwise be situated so as to ensure adequate supervision of the area in which the video gaming devices are located. No person shall be entitled to a Class V license unless the Local Liquor Control Commissioner grants such license, which license (a) may be subject to conditions relating to the operations within the licensed premises, and (b) notwithstanding Section 3-2-6, shall expire on ~~December 9, 2015~~ **February 29, 2016**. The term of any Class V license issued between July 1, 2014 and March 24, 2015 shall be extended to ~~December 9, 2015~~ **February 29, 2016**, and no additional license fee shall be required for such extension. The fee for a Class V license shall be $250 for the license term beginning on July 1, 2014 and ending on ~~December 9, 2015~~ **February 29, 2016**.

2. Number: Unlimited.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form in the manner provided by law.

Passed this 8th day of December, 2015.

AYES:

NAYS:

ABSENT:

ABSTAIN:

Approved this 8th day of December, 2015.

_____
Angela Underwood, Village President

ATTEST:

_____
Heidi Locker-Scheer, Village Clerk

DRAFT