

**AN ORDINANCE
CONCERNING THE ILLINOIS VIDEO GAMING ACT**

WHEREAS, the Village of Carpentersville is a home rule unit by virtue of the Illinois Constitution of 1970; and

WHEREAS, the Video Gaming Act (230 ILCS 40/1 *et seq.*, hereinafter the “Act”) became law on July 13, 2009, and allows certain defined licensed establishments to conduct video gaming; and

WHEREAS, the Act, although effective immediately upon approval, is subject to a rulemaking process to be undertaken by the Illinois Gaming Board (“Board”); and

WHEREAS, the Act mandates for the Board to develop and adopt emergency rulemaking within sixty (60) days of July 13, 2009 for the purpose of implementing the provisions of the Acts; and

WHEREAS, despite the rulemaking mandate, the Board has not adopted emergency rules and the Chairman of the Board has publicly indicated that it may take 12 months, if not longer, to implement a rulemaking process; and

WHEREAS, in the interim, and in the absence of rules adopted by the Board, the President and Board of Trustees of the Village of Carpentersville desire that no licensed establishment, as that term is defined in the Act, shall install any video gaming terminal, as that term is also defined in the Act, within the Village of Carpentersville; and

WHEREAS, recognizing that some Illinois local jurisdictions would desire to prohibit video gambling, 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.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CARPENTERSVILLE, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: The foregoing recitals are hereby made a part hereof as if fully restated herein.

SECTION 2: Absent the establishment of final rules promulgated and adopted by the Illinois Gaming Board, the President and Board of Trustees hereby find that prohibiting video gaming terminals within the Village of Carpentersville is in the best interests if the Village.

SECTION 3: Until the Illinois Gaming Board completes and adopts its final rules, and the President and Board of Trustees have had the opportunity to review those rules, all video gaming terminals shall be prohibited in the Village of Carpentersville.

SECTION 4: Any person convicted of violating this ordinance shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 for each offense. A separate offense shall be committed each time a person operates a video gaming terminal in a manner that violates Section 3 of this ordinance. A separate offense shall be committed each 24 hour period, or part thereof, that a person is in possession of or maintains a video gaming terminal in violation of Section 3 of this ordinance or is in possession of any other electronic gaming machine that can be used for video gaming in violation of Section 3 of this ordinance.

SECTION 5: The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee _____, seconded by Trustee _____, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois, at a regular meeting thereof held on the ____ day of _____, 2010, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2010.

Village President

(SEAL)

ATTEST:

Village Clerk