

ORDINANCE NO. 4560

AN ORDINANCE AMENDING CHAPTER 9.16 (OFFENSES AGAINST PUBLIC DECENCY) OF THE COLLINSVILLE MUNICIPAL CODE WITH REGARD TO PERMITTING VIDEO GAMING IN THE CITY OF COLLINSVILLE, ILLINOIS

WHEREAS, the Illinois General Assembly has passed legislation entitled the Video Gaming Act (230 ILCS 40/1, et al.) and the same has been approved by the Governor and reviewed and ruled upon by the Illinois Supreme Court; and

WHEREAS, the City Council of the City of Collinsville, Illinois has determined that it is in the best interests of the City that certain businesses be permitted and licensed pursuant to the provisions of the Video Gaming Act.

NOW, THEREFORE, BE IT ORDAINED by the City of the Collinsville, as follows:

Section 1. Certain Sections of Chapter 9.16 (Offenses Against Public Decency) of Title 9 (Public Peace, Morals, and Welfare) of the Collinsville Municipal Code, are hereby amended so as to read as follows:

“Chapter 9.16

Sections:

9.16.080	Gambling
9.16.085	Definitions
9.16.090	Keeping a Gambling Place
9.16.091	Exceptions to Gambling Restrictions
9.16.092	Licenses Required for Video Gaming
9.16.093	Application
9.16.094	Fees
9.16.095	Expiration
9.16.096	Display
9.16.097	Revocation
9.16.098	Non-Exclusion

Section 9.16.080. Gambling.

- A. A person commits the offense of gambling when he:
1. Plays a game of chance or skill for money or other thing of value, unless excepted in Subsection B of this section; or
 2. Makes a wager upon the result of any game, contest or any political nomination, appointment or election; or

3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or
4. Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to Section 8 of the Illinois Securities Law of 1953, or by or through a person exempt from such registration under said Section 8, of a put, call or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under Section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this subdivision; or
5. Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or
6. Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or
7. Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, or any advertisement of any lottery or policy game; or
8. Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subdivision prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

B. Participants in any of the following activities shall not be convicted of gambling:

1. Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and
2. Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest; and
3. Pari-mutuel betting as authorized by the law of this state; and

4. Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for the transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable Federal law; and
5. The game commonly known as "bingo," when conducted in accordance with the Bingo License and Tax Act (20 ILCS 25/1 et seq.);
6. Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law (230 ILCS 1605/1 et seq.).
(Prior Code, § 10:28-1; Code 1996, § 9.16.080)
State law references: Similar provisions, 720 ILCS 5/28-1.

Section 9.16.085. Definitions

Distributor: as defined in the Illinois Video Gaming Act (230 ILCS 40/1).

Gambling place: any real estate, vehicle, boat or any other property whatsoever used for the purposes of gambling.

Licensed establishment: any retail establishment holding a valid City of Collinsville liquor license.

Manufacturer: as defined in the Illinois Video Gaming Act (230 ILCS 40/1).

Supplier: as defined in the Illinois Video Gaming Act (230 ILCS 40/1).

Terminal operator: as defined in the Illinois Video Gaming Act (230 ILCS 40/1).

Video gaming terminal: as defined in the Illinois Video Gaming Act (230 ILCS 40/1).

Section 9.16.090. Keeping a gambling place.

No person shall knowingly permit any premises or property owned or occupied by him or under his control to be used as a gambling place.

(Prior Code, § 10:28-3; Code 1996, § 9.16.090)

State law references: Similar provisions, 720 ILCS 5/28-3.

Section 9.16.091. Exceptions to Gambling Restrictions.

It shall not be an offense under Sections 9.16.080 and 9.16.090 to gamble or keep a gambling place so long as it is compliance with all of the provisions of this Chapter and the Illinois Video Gaming Act (230 ILCS 40/1, et al.), as amended. The definitions in the Act shall be applicable to this Chapter.

Section 9.16.092. Licenses Required for Video Gaming.

1. The terminal operator of a video gaming terminal shall obtain an annual license for each location where said video gaming terminals are placed issued by the City.
2. The licensed establishment shall obtain an annual license issued by the City. No license shall be issued to, or maintained by, an establishment that does not have a valid Class A, B, B-1, E, F or I liquor license issued by the City.
3. The manufacturer, supplier, or distributor of a video gaming terminal who has an office located within the City shall obtain an annual license issued by the City.
4. It shall be unlawful for any person to install, keep, maintain or use or permit the installation, keeping, maintenance or use upon their premises of any video gaming terminal unless a valid license issued under this division for the video gaming terminal is in effect.
5. It shall be unlawful for any person to deliver video gaming terminals within the City for use by any other person for gain or profit from the operation thereof unless a license therefore has been issued by the City and the license fee has been paid for the applicable year.

Section 9.16.093. Application.

1. Applications for a license required by this Chapter shall be filed with the City Clerk on forms provided by the City and in addition to any other information requested by the City, shall at a minimum contain the following:
 - a. The name, address, age and date of birth of the applicant manufacturer, supplier, distributor, or terminal operator of the video gaming terminal, and all of the owners of the licensed establishment and real estate where the video gaming terminal shall be located.
 - b. Prior convictions from any jurisdiction of the applicant manufacturer, supplier, distributor, or terminal operator of the video gaming terminal and all of the owners of the licensed establishment and real estate where the video gaming terminal shall be located, if any.
 - c. The address where the video gaming terminal is to be displayed or operated and the type and name of the business conducted at that place.
 - d. A copy of the current deed to real estate where the video gaming terminal is located.
 - e. A copy of the Articles of Incorporation of the company owning the video gaming terminal, business where the video gaming terminal is located, and business owning the real estate where the video gaming terminal is located.

- f. A description of the video gaming terminal to be covered by the license, including make, model, and identification/serial numbers.
- g. Evidence that licenses have been issued by the Illinois Gaming Board to the applicant manufacturer, supplier, distributor, and terminal operator of the video gaming terminal and the owners of the licensed establishment and real estate.
- h. Copies of current and valid liquor licenses issued by the State of Illinois to the owners of the licensed establishment where the video gaming terminal shall be located.

Section 9.16.094. Fees.

The annual fees for the licenses required by this Chapter shall be as established in Title 4 of the Collinsville Municipal Code. The fees shall be nonrefundable.

Section 9.16.095. Expiration.

Licenses issued pursuant to this Chapter shall terminate one year after the date of issuance.

Section 9.16.096. Display.

The license required by this Chapter shall be prominently displayed next to the video gaming terminal.

Section 9.16.097. Revocation.

The City, at any time, may notify any licensee under this Chapter within five business days of any charge of a violation of any of the provisions of this Chapter. In connection with the licensee's operations, the City Manager may order the suspension or revocation of the license upon a finding that the violation has occurred, and the license shall thereupon be suspended or terminated as ordered. The licensee may appeal the revocation as prescribed in Chapter 5.04 of the Collinsville Municipal Code.

Section 9.16.098. Non-Exclusion.

All provisions in this Chapter are in addition to, and therefore specifically not exclude, the application of all other provisions of the Collinsville Municipal Code. The provisions of Chapter 5.32 of the Collinsville Municipal Code shall not apply to Sections 9.16.091 through 9.16.097 so long as the party is in full compliance with Sections 9.16.091 through 9.16.097.

Section 2. All other provisions of Chapter 9.16 and Title 9 of the Collinsville Municipal Code, not amended in this Ordinance, shall remain in full force and effect.

Section 3. All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance or part of any ordinance repealed or superseded hereby. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of any Ordinance, or any part thereof repealed by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

Section 4. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

Section 5. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council of the City of Collinsville, Illinois, November 26, 2012.

Ayes: Tognarelli, Kypta, Dalton, Miller

Nays: Moss

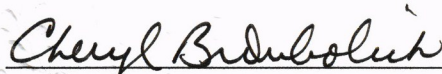
Absent: None

Approved: November 26, 2012.



John Miller, Mayor

ATTEST:



Cheryl Brombolich, City Clerk

RECORDED: November 27, 2012.

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