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AN ORDINANCE REVISING CHAPTER 18 (VIDEO GAMING), OF TITLE 7 (BUSINESS AND LICENSE), OF THE ORLAND PARK VILLAGE CODE AND MAKING OTHER CHANGES RELATIVE TO VIDEO GAMING WITHIN THE VILLAGE

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WHEREAS, the Village of Orland Park 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 and subsequent to the enactment of the Video Gaming Act, the Orland Park Village Code contains 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 Orland Park 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 Orland Park, Cook and Will Counties, 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 Orland Park exercises its authority consistent with the Illinois Video Gaming Act (230 ILCS 40/1, *et seq.*), to allow video gaming within the Village of Orland Park, effective immediately, pursuant to the terms, conditions and Code provisions set forth herein.

SECTION 3:

Section 7-18-5 of Chapter 18 (Video Gaming Licenses and Terminals), Title 7 (Business and License), of the Orland Park Village Code is amended to read in its entirety as follows: (deleted text is marked with strikethrough and added text is marked by underlining):

“Establishments eligible for a video gaming terminal license from the Village are limited to licensed retail table service establishments where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises (i.e., only a Class A Liquor License issued by

the Village), provided such licensed retail establishments have been lawfully conducting business on the premises for at least ~~eighteen (18)~~ thirty-six (36) consecutive months immediately prior to applying for a Village video gaming terminal license. In the event the Class A liquor license of a licensed video gaming establishment is terminated for any reason, the Village video gaming license for such establishment shall terminate and be revoked forthwith without the requirement of any further action by the Village. However, if such licensed video gaming establishment is sold or transferred and the new owner is issued a Class A Village liquor license for such establishment, or if the holder of an existing non-probationary video gaming license opens an additional location of their existing establishment, the said new owner or existing license holder will be eligible to apply for an available ~~six (6)~~ eighteen (18) month probationary video gaming terminal license while the new owner's or existing holder's application for a non- probationary video gaming terminal license is processed, and the ~~eighteen (18)~~ thirty-six (36) consecutive month operational requirement may be waived, after the ~~six (6)~~ eighteen (18) month probationary period, by the Local Liquor Control Commissioner. During the probationary period, the licensee must remain in good standing with the Village at all times. Upon and during the suspension of the licensee's liquor license, the licensee's video gaming terminal license shall automatically be suspended. In addition, no establishment may be licensed under this Chapter where it is located within three hundred (300) feet of another video gaming establishment premises, within one hundred (100) feet of a school building, place of worship building, or residential building, or such that it would cause undue economic concentration as defined by the Act and regulations thereunder.

SECTION 4:

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

SECTION 5:

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 holding.

SECTION 6:

Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Orland Park Village Code, as amended, shall remain in full force and effect.

SECTION 7:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.