

**VILLAGE OF THIRD LAKE  
LAKE COUNTY, ILLINOIS  
THIRD LAKE, ILLINOIS**

**ORDINANCE NO. 22-03-01**

**AN ORDINANCE OF THE VILLAGE OF THIRD LAKE,  
LAKE COUNTY, ILLINOIS  
REGULATING VIDEO GAMING**

**BOARD OF TRUSTEES  
VILLAGE OF THIRD LAKE, ILLINOIS**

**This 21st day of March 2022**



**Michelle Smith, Village Clerk**

**Published in pamphlet form by the authority of the Board of Trustees of the  
Village of Third Lake, Lake County, Illinois this 21<sup>st</sup> day of March 2022**

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**AN ORDINANCE OF THE VILLAGE OF THIRD LAKE,  
LAKE COUNTY, ILLINOIS  
REGULATING VIDEO GAMING**

**WHEREAS**, the Illinois General Assembly enacted the Video Gaming Act (230 ILCS 40/1 *et seq.*) which authorizes video gaming in certain licensed establishments; and

**WHEREAS**, Section 27 of the Video Gaming Act (230 ILCS 40/27) authorizes the Village of Third Lake (the “Village”) to prohibit video gaming within the corporate limits of the Village and implied within such authorization is the authority to limit, license and regulate video gaming within the corporate limits of the Village; and

**WHEREAS**, the Village is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require; and

**WHEREAS**, the Village is authorized by Section 11-5-1 of the Municipal Code (65 ILCS 5/11-5-1) to suppress gaming and gambling houses; and

**WHEREAS**, the Village of Third Lake has now had the opportunity to study the issue of video gaming and has determined that allowing video gaming will remove a competitive disadvantage between Village of Third Lake businesses and businesses in neighboring communities and within the region that currently allow video gaming; and

**WHEREAS**, the Village has determined that the opportunity for video gaming will enhance the entertainment offers of licensees and also assist in making these businesses more economically viable; and

**WHEREAS**, the Village has determined that the revenue from video gaming can be used for the purposes of economic development, infrastructure improvements and other permissible Village functions; and

**WHEREAS**, the corporate authorities of the Village have determined that it is advisable, necessary and in the best interest of the Village to permit and regulate, consistent with the Video Gaming Act (230 ILCS 40/1 *et seq.*), the operation of video gaming terminals within the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees the Village of Third Lake, Cook County, Illinois, as follows:

**SECTION ONE:**

The recitals set forth above are incorporated herein by this reference.

**SECTION TWO: DEFINITIONS**

All words and phrases used in this Ordinance and not otherwise defined herein, which are defined in the Video Gaming Act, effective July 13, 2009 (230 ILCS 40/1 *et seq.*), shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

- A. **LICENSED ESTABLISHMENT:** Any Class A, A-1 or B licensed retail establishment where alcoholic liquor is sold, drawn, poured, mixed or otherwise served for consumption on the premises. The term Licensed Establishment includes any licensed fraternal establishment and/or licensed veterans' establishment as those terms are defined in the Video Gaming Act, 230 ILCS 40/1 *et seq.*, as amended ("Video Gaming Act").
- B. **VIDEO GAMING:** The ownership, placement, maintenance, operation or use of a video gaming terminal (as defined below) in a licensed establishment (as defined above) within the Village.
- C. **VIDEO GAMING TERMINAL:** Any electronic video game machine, that upon insertion of cash, electronic cards or vouchers, or any combination thereof, 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, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.
- D. **VILLAGE:** Village of Third Lake, Illinois.

**SECTION THREE: VIDEO GAMING ALLOWED**

Video Gaming is hereby permitted in certain Licensed Establishments within the Village only in accordance with this Ordinance. Subject to all other provisions of this Ordinance and the Video Gaming Act (230 ILCS 40/1 *et seq.*), Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that is the holder of a Class A, A-1 or B local liquor license. Further, subject to all other provisions of this Ordinance, Video Gaming shall only be permitted and a Video Gaming License issued only to a Licensed Establishment that, in addition to being the holder of a Class A, A-1 or B liquor license.

**SECTION FOUR: ANNUAL VIDEO GAMING LICENSE REQUIRED**

No establishment licensed by the Illinois Gaming Board shall be permitted to operate any Video Gaming Terminal pursuant to the Illinois Video Gaming Act unless the establishment has

first obtained a video gaming license and a Class liquor license from the Village and paid an annual license fee to the Village as hereafter provided. No license may issue where the license applicant owes a debt, fine, fee or penalty to the Village.

#### **SECTION FIVE: APPLICATION REQUIREMENTS**

Application to the Village for a Video Gaming License shall be made to the local liquor control commissioner on forms furnished by the Village Clerk. The application shall contain the following information:

- A. The name, address, age and date of birth of the owner of the Video Gaming Terminal and of the owner of the establishment where the Video Gaming Terminal shall be located;
- B. Prior convictions of the owner of the Video Gaming Terminal and the owner of the establishment, if any;
- C. The location within the Licensed Establishment where the Video Gaming Terminal is to be displayed or operated and the business conducted at that location;
- D. A description of the Video Gaming Terminal to be covered by the license;
- E. A copy of the applicant's complete license application and all supporting documents, to the Illinois Video Gaming Board;
- F. Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the Video Gaming Terminal and the owner of the establishment;
- G. Attach a responsible gaming policy, which outlines all employee education and training programs, policies, and procedures to promote responsible gaming. If standardized training for responsible gaming becomes available at a future date, it shall be required as part of the Video Gaming License application;
- H. Such other information as the Village may determine is necessary as set forth in the application form.

#### **SECTION SIX: TERM OF LICENSE; NUMBER OF LICENSES; NUMBER OF VIDEO GAMING TERMINALS**

- A. All video gaming licenses shall be valid for a period not to exceed one (1) year after issuance, unless sooner terminated, revoked or suspended as provided by law; and all video gaming licenses shall terminate on April 30 next following their issuance.
- B. The number of video gaming licenses shall not exceed four (4).
- C. No more than six (6) video gaming terminals shall be located in any licensed establishment

## **SECTION SEVEN: ANNUAL LICENSE FEE; PRORATION**

The annual license fee for a Video Gaming License shall be as follows:

Two Hundred Fifty Dollars (\$250.00) for each Video Gaming Terminal.

License fees are payable at the time of application and are not subject to proration. License fees are not refundable.

## **SECTION EIGHT: CONDITIONS OF LICENSE**

All such Video Gaming Terminals shall at all times be kept, placed, operated, and monitored in accordance with the Video Gaming Act and all applicable regulations, as well as all applicable provisions of the Village Code, including, but not limited to:

- A. Prohibiting persons under the age of 21 years and persons who are visibly intoxicated from entering or remaining in the gaming area, and posting signage thereof.
- B. Video Gaming Terminals shall be placed in an area restricted to individuals age 21 years or over.
- C. Video Gaming Terminals shall only be operational during the legal hours of operation allowed for the consumption of alcoholic beverages at the Licensed Establishment, as provided by Village's liquor control ordinance. Upon the suspension or revocation of a licensee's liquor license, the licensee's Video Gaming license shall automatically be suspended (or revoked in the event of a liquor license revocation) without the requirement of any further action on the part of the Village.
- D. The Video Gaming area shall be physically monitored at all times during the legal hours of operation by an employee over 21 years of age.

## **SECTION NINE: VIOLATIONS AND PENALTY**

It shall be unlawful for any person to violate any provision of this chapter. Any person found to be in violation by a court or administrative hearing of any provision of this Ordinance shall be subject to a fine not to exceed Seven Hundred Fifty Dollars (\$750.00) for each such offense. In addition, any and all video gaming licenses issued to a licensee shall be subject to suspension or revocation as provided by the Village Ordinance or by law."

## **SECTION TEN: ADDITIONAL GAMBLING PROVISIONS**

- A. Prohibited: It shall be unlawful for any person to place, make, accept, relay, deliver or pay any wager or bet on any sporting event or other competition.
- B. Gambling Devices: Unless otherwise expressly permitted by the Video Gaming Act (230 ILCS 40/1 *et seq.*) and Title 3, Chapter 15 of this Code, no person shall sell or

possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose, and any such device or paraphernalia possessed or sold with such intent may be confiscated by law enforcement.

C. Advertising: Exterior signage of a licensed establishment shall be limited to one window sign not exceeding six (6) square feet and shall comply with all other requirements of the Village Zoning Ordinance.

**SECTION ELEVEN:**

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

**SECTION TWELVE:**

This Ordinance shall be in full force and effect ten (10) days following its passage, approval and publication in accordance with law.

AYES: Honegger, Mateja, Penny, Ruwitch, Van Zeyl

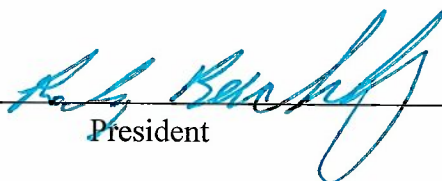
NAYES: None

ABSENT/NOT VOTING: Hameister

Passed: March 21, 2022

Approved: March 21, 2022

Published: March 21, 2022

  
President

Attest:



Village Clerk