

1 WHEREAS, the DuPage County Board and County Board Chairman
2 call on every municipality within DuPage County to join the
3 county in prohibiting video gaming.

4
5 NOW, THEREFORE, BE IT ORDAINED that the DuPage County Board
6 hereby exercises its right under Section 27 of the Illinois
7 Video Gaming Act (230 ILCS 40/1 et seq.) to prohibit video
8 gaming from unincorporated areas of DuPage County effective
9 immediately; and

10
11 BE IT FURTHER ORDAINED that the County Code of DuPage
12 County is hereby amended as shown on Exhibit A which is attached
13 hereto and incorporated herein by reference, and the County
14 Clerk is directed to transmit a copy of this Ordinance to
15 Sterling Codifiers for update of the electronic version of the
16 Code; and

17
18 BE IT FURTHER ORDAINED that this resolution shall be
19 transmitted to each mayor and alderman or trustee, along with a
20 letter on behalf of the County Board respectfully requesting
21 that they join our effort to prohibit video gaming within the
22 boundaries of DuPage County.

23
24 Enacted and approved this 11th day of August, 2009 in
25 Wheaton, Illinois.

26
27
28
29
30 _____
31 Robert J. Schillerstrom, Chairman
32 DuPage County Board

31 Ayes: 15
32 Nays: 3
33

34
35 ATTEST: _____
36 Gary A. King, County Clerk

1 public place or in a fraternal or veterans' establishment within
2 unincorporated DuPage County.

3

4 17.4 "Video Gaming Terminal" means any electronic video
5 game machine that, upon insertion of cash, is available to play
6 or simulate the play of a video game, including but not limited
7 to video poker, line up, and blackjack, as authorized by the
8 Board utilizing a video display and microprocessors in which the
9 player may receive free games or credits that can be redeemed
10 for cash. The term does not include a machine that directly
11 dispenses coins, cash, or tokens or is for amusement purposes
12 only.

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14 Article III. Prohibition

15 17.5 Video gaming is prohibited in the unincorporated areas
16 of DuPage County.

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18 17.6 A video gaming license is not effective within the
19 unincorporated areas of DuPage County.

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21 17.7 A prohibited video gaming terminal shall be
22 immediately removed by the owner or operator from the public
23 place, fraternal establishment or veteran's establishment.

24

25 Article IV. Enforcement

26 17.8 Inspection. Authorized representatives of the DuPage
27 County sheriff's office, including sworn peace officers and
28 other individuals as the sheriff may designate from time to
29 time, may make inspections of the premises of operators licensed
30 or required to be licensed under Chapters 3 or 4 of this Code or

1 any premises where there is cause to believe video gaming
2 occurs, for the purpose of determining a violation of the
3 prohibitions of this Chapter. These inspection rights are in
4 addition to any other statutory or common law powers of the
5 Sheriff.

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7 17.9 Penalties. Any person who violates any provision of
8 this Chapter or of Article 3-44 of this Code shall be subject to
9 prosecution under the gambling provisions of the Illinois
10 Criminal Code, 720 ILCS 5/28-1, *et seq.*

11

12 II. Chapter 3 is amended by the addition of the following
13 language at the end of section 3-33:

14 A complaint may also be based on the sworn statement that video
15 gaming as prohibited by Chapter 17 of this Code occurs on the
16 premises.

17

18 Chapter 3 is further amended by the addition of the following
19 language after the first sentence of section 3-44:

20 It shall also be unlawful for any licensee hereunder to permit
21 or allow any video gaming terminal prohibited under Chapter 17
22 of this Code to be played or remain within the premises licensed
23 hereunder, and a violation of this section shall, in addition to
24 any penalties provided in this Chapter, shall be subject to
25 penalties as provided in Article 17-9 of this Code.

26

27 III. Chapter 4 is hereby amended by the addition of the
28 following language at the end of the existing definition of
29 Amusement Device:

1 Amusement device does not include a video gaming terminal as
2 defined in the Illinois Video Gaming Act.(230 ILCS 40/5) and
3 Chapter 17 of this Code.

4

5 Chapter 4 is further amended by the addition of the following
6 language to section 4-11:

7 Authorized representatives of the DuPage County sheriff's
8 office, including sworn peace officers and other individuals as
9 the sheriff may designate from time to time, may, in the course
10 of their inspections hereunder, also inspect for the presence of
11 video gaming terminals prohibited under Chapter 17 of this Code.

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