

ORDINANCE 10-2020

**AN ORDINANCE AMENDING
CHAPTER 2 OF TITLE 3 OF THE VILLAGE CODE
REGARDING VIDEO GAMING TERMINALS**

WHEREAS, the Village of Gilberts is an Illinois municipality operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village is authorized by the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.* ("**Act**"), to regulate the operation of video gaming terminals; and

WHEREAS, the Gilberts Village Code currently regulates video gaming and restricts the number of terminals to a maximum six video gaming terminals; and

WHEREAS, the Act was recently amended to allow large truck stops (as defined by the Act) to operate up to ten video gaming terminals; and

WHEREAS, the operator of a gas station in the Village has requested that the Village Board of Trustees amend its Village Code to authorize it to operate ten video gaming terminals in accordance with its state approval as a "large truck stop"; and

WHEREAS, the Village Board of Trustees discussed the request at its August 12, 2020 Committee of the Whole meeting and, although the Board was generally in favor of allowing the additional video gaming terminals in the gas station, the Board did express concerns about this request opening the door to this or a similar establishment operating as a truck stop even though the Village's Unified Development Ordinance does not allow truck stops in this zoning district or on this property; and

WHEREAS, the Village Board of Trustees finds it to be in the best interests of the Village and its residents to amend the video gaming provisions of the Village Code to allow "large truck stops" (as defined by the Act) to operate up to ten video gaming terminals on the licensed premises, subject to the terms and conditions set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of the Village of Gilberts, Kane County, Illinois pursuant to its non-home rule powers, as follows:

SECTION 1. RECITALS The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT TO SUBSECTION 3-2-21(C) OF THE VILLAGE CODE. Subsection C of Section 3-2-21 "Video Gaming" of Chapter 2 "Liquor Control" of the Gilberts Village Code shall hereby be amended to read as follows (deletions in ~~strikethrough~~, additions in **bold** and double-underline):

“3-2-21 – Video gaming.

* * *

C. Except as expressly provided below for “large truck stops” (as defined by the video gaming act), not Not more than six video gaming terminals may be located in a licensed retail establishment where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Video gaming terminals may also be located at licensed fraternal establishments, licensed veterans' establishments and licensed truck stop establishments as defined by the video gaming act, 230 Illinois Compiled Statutes 40/1 et seq, An establishment that is licensed by the state of Illinois as a “large truck stop” (as defined by the video gaming act) may operate up to ten video gaming terminals, provided, however, that the issuance of a state or local video gaming license to a “large truck stop” (as defined by the video gaming act) does not grant any zoning or other approval to the establishment to operate as a truck stop, including but not limited to the use of the property for overnight truck parking or a truck car wash, in the village without first obtaining all necessary zoning and other approvals required by the village’s unified development ordinance or other village ordinance, code, or regulation.

SECTION 3. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 4. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS 18th DAY OF August, 2020, pursuant to roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Dan Corbett	<u>✓</u>	_____	_____	_____
Trustee ^{Kurt} Elissa Kojzarek	<u>✓</u>	_____	_____	_____
Trustee Nancy Farrell	<u>✓</u>	_____	_____	_____
Trustee Jeanne Allen	<u>✓</u>	_____	_____	_____
Trustee Lou Hacker	<u>✓</u>	_____	_____	_____
Trustee Guy Zambetti	<u>✓</u>	_____	_____	_____



President Rick Zirk

APPROVED THIS 10th DAY OF August, 2020

Village President, Rick Zirk

Phillip Versten
Deputy Village Clerk, Phillip Versten

Published: August 19, 2020