

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2957

AN ORDINANCE TO PERMIT THE PLACEMENT AND OPERATION OF VIDEO GAMING TERMINALS WITHIN THE CITY OF COLUMBIA AND ESTABLISHING AN ANNUAL FEE FOR VIDEO GAMING TERMINALS IN ACCORDANCE WITH THE ILLINOIS VIDEO GAMING ACT (230 ILCS 40/), AS WELL AS IDENTIFYING THE PURPOSES FOR WHICH REVENUES RECEIVED PURSUANT TO SAID ACT ARE TO BE USED

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 4th day of June, 2012**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 4th day
of June, 2012**

JUN 04 2012

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J. Ronald Colyer
City Clerk

WHEREAS, the City of Columbia (“the City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the City has enacted Section 9.12.080 (Gambling) into the City’s Municipal Code, prohibiting certain activities; and

WHEREAS, the Illinois Video Gaming Act (230 ILCS 40/) (“the Act”) took effect in the State of Illinois on July 13, 2009; and

WHEREAS, the Illinois Gaming Board has begun issuing licenses under the Act with respect to the manufacture, placing, operating, and supplying of parts for “video gaming terminals,” as that term is defined in §5 of the Act (230 ILCS 40/5), during the year 2012; and

WHEREAS, the City wishes to impose an annual fee of twenty-five dollars (\$25.00) for the operation of each individual video gaming terminal located in the City pursuant to the provisions of the Act (230 ILCS 40/65); and

WHEREAS, the City finds it is advisable to use all revenue received pursuant to the provisions of the Act for the benefit of the City’s Parks and Recreation Department; and

WHEREAS, the City finds it is advisable and in the interest of the City to allow Video Gaming within the City;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

1. The preceding recitations in the upper part of this Ordinance are re-alleged, restated and adopted as paragraph one (“1”) of this Ordinance.
2. Activities undertaken pursuant to, and in accordance with, the provisions of the Illinois Video Gaming Act (230 ILCS 40/) shall be allowed in the City.

3. Activities undertaken pursuant to, and in accordance with, the provisions of the Illinois Video Gaming Act (230 ILCS 40/), that would otherwise be deemed gambling, shall not be deemed a violation of the City's Municipal Code.
4. Section 9.12.080 (Gambling) of the City's Municipal Code is amended to read as follows:

Section 9.12.080 Gambling.

It is unlawful, within the city, to gamble, as defined in 720 ILCS 5/28-1, as adopted, approved and amended; possess a gambling device, as defined in 720 ILCS 5/28-2, as adopted, approved and amended; keep a gambling place, as defined in 720 ILCS 5/28-2, as adopted, approved and amended, or patronize the same.

Every gambling device incapable of lawful use, as defined in 720 ILCS 5/28-5, as adopted, approved, and amended, shall be subject to seizure, confiscation and destruction by the city police department.

Exceptions: Placement and use of a video gaming terminal, if done in accordance with the Illinois Video Gaming Act (230 ILCS 40/) as currently enacted and hereafter amended, shall not be a violation of this section of this code.

5. There is hereby established a twenty-five dollar (\$25.00) annual fee for the operation of each video gaming terminal located in the City pursuant to the provisions of the Illinois Video Gaming Act (230 ILCS 40/).
6. The annual video gaming terminal fee, as established hereby, is to be paid to the City on, or before, the initial date of terminal operation, and for terminals then in operation, on, or before, April 30th of each year thereafter. Such annual video gaming terminal fee shall not be prorated for periods of less than twelve (12) months.
7. All revenue received pursuant to the provisions of the Act, or this Ordinance, shall be used for the benefit of the City's Parks and Recreation Department.
8. 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
9. This Ordinance shall be in full force and effect following its passage, approval, and publication as required by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Reis, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Mathews and Reis.

NAYS: None.

ABSENT: Aldermen Huch and Piazza.

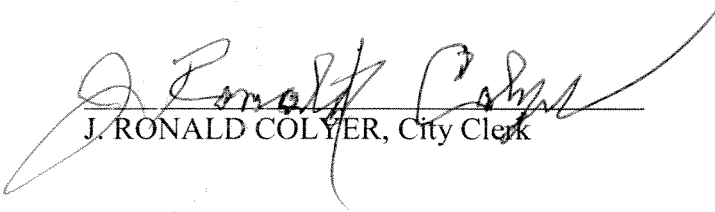
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 4th day of June, 2012.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

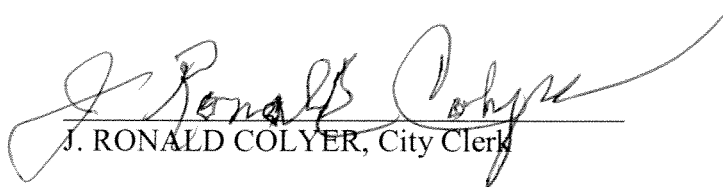
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2957, entitled:

“AN ORDINANCE TO PERMIT THE PLACEMENT AND OPERATION OF VIDEO GAMING TERMINALS WITHIN THE CITY OF COLUMBIA AND ESTABLISHING AN ANNUAL FEE FOR VIDEO GAMING TERMINALS IN ACCORDANCE WITH THE ILLINOIS VIDEO GAMING ACT (230 ILCS 40/), AS WELL AS IDENTIFYING THE PURPOSES FOR WHICH REVENUES RECEIVED PURSUANT TO SAID ACT ARE TO BE USED”

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 4th day of June, 2012.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 4th day of June, 2012.



J. RONALD COLYER, City Clerk

(SEAL)