

**ORDINANCE NO. F-1449**

**AN ORDINANCE AMENDING CHAPTER 10 (AMUSEMENTS AND  
ENTERTAINMENTS) OF THE WHEATON CITY CODE – ADDITION OF ARTICLE  
X-VIDEO GAMING PROHIBITED**

WHEREAS, the Video Gaming Act (240 ILCS 40/1 et seq.); PA96-0034 hereinafter (“the Act”) became law July 13, 2009 and allows licensed establishments as defined in the Act to conduct video gaming; and

WHEREAS, Section 27 of the Act permits a municipality to prohibit video gaming by Ordinance within its corporate limits; and

WHEREAS, states such as Georgia, South Carolina and North Carolina have abandoned experiments legalizing video poker because of regulatory difficulties, corruption and the high social costs associated with this form of gambling; and

WHEREAS, the Massachusetts Institute of Technology has found that electronic gaming is designed to entice people to play longer, faster, and at higher rates of wagering; and

WHEREAS, the Corporate Authorities of the City of Wheaton have determined that legalized video gaming, as defined in the Act, has the potential for a variety of adverse impacts including corruption, increase in the costs of law enforcement, regulatory difficulties and negative high social costs; and

WHEREAS, the legalization of video gaming as defined in the Act would be inconsistent with the City’s goal of maintaining a family friendly environment for its citizens and their children.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that Chapter 10, of the Wheaton City Code entitled “Amusements and Entertainments” is hereby amended by the addition of a new Article X to be entitled Video Gaming Prohibited Sections 10-242 through 10-246 which shall read as follows:

**“SECTION 1: SEC. 10-242 Legislative purpose**

The Mayor and Corporate Authorities of the City of Wheaton find that legalization of video gaming would adversely impact the residents of the City of Wheaton with the potential for corruption, an increase in law enforcement costs, regulatory difficulties, negatively high social costs, and would be inconsistent with the maintenance of a family friendly environment for the citizens of Wheaton and their children.

SEC. 10-243 Definitions

1. “Video Gaming” means the ownership, placement maintenance, operation or use of a video gaming terminal in a public place, fraternal or veterans’ establishment, as defined by the Video Gaming Act (230 ILCS 40/1 et seq.) including any subsequent amendments thereto.
2. “Video Gaming Terminal” means any electronic video gaming machine that, upon the insertion of cash, tokens or other access device, is available to play or simulate the play of video gaming, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board as defined in the Video Gaming Act (230 ILCS 40/1 et seq).

SEC. 10-244 Prohibition

1. Video gaming is prohibited within the corporate boundaries of the City of Wheaton.
2. No video gaming license issued by the Illinois Gaming Board shall be effective within the corporate boundaries of the City of Wheaton.
3. The possession of a Video Gaming Terminal is prohibited within the corporate boundaries of the City of Wheaton.

SEC. 10-245 Removal

Any prohibited Video Gaming Terminal shall be immediately removed by the owner or operator from the public place, fraternal establishment or veteran’s establishment.

SEC. 10-246 Penalties

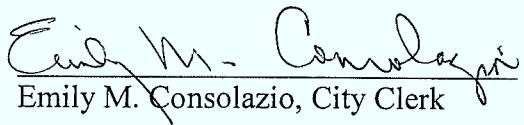
Any person who violates any provision of this Ordinance shall be subject to the imposition of a minimum fine of \$1,000.00 and a maximum fine of \$5,000.00 for each day video gaming occurs or a Video Gaming Terminal remains in a public place, fraternal or veteran’s establishment.

**SECTION 2:** All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

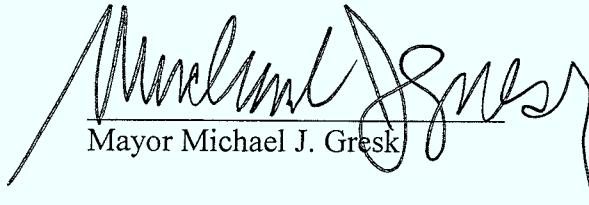
**SECTION 3:** That if any part of part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the Mayor and City Council.

ATTEST:

  
Emily M. Consolazio

Emily M. Consolazio, City Clerk

  
Mayor Michael J. Gresk

Ayes:

Roll Call Vote:

Councilman Mouhelis  
Mayor Gresk  
Councilman Prendiville  
Councilman Scalzo  
Councilman Suess  
Councilwoman Corry  
Councilman Levine

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: October 5, 2009

Published: October 6, 2009