

**ORDINANCE NO. 22-03**

**AN ORDINANCE OF THE CITY OF HICKORY HILLS AMENDING  
CHAPTER 34, ALCOHOLIC BEVERAGES, SECTION 34.22, VIDEO  
GAMING, OF THE CODE OF ORDINANCES OF THE CITY OF  
HICKORY HILLS**

**MICHAEL HOWLEY**

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**D'LORAH CATIZONE**

**City Clerk**

**ALAN T. VODICKA**

**Treasurer**

**Prepared by  
LOUIS F. CAINKAR, LTD.  
City Attorney**

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BE IT ORDAINED by the City Council of the City of Hickory Hills, Cook County, Illinois as follows:

**Section 1**

That Chapter 34, Alcoholic Beverages, of the Code of Ordinances of the City of Hickory Hills, be amended by changing Section 34.22, Video Gaming, to read as follows:

34.22 VIDEO GAMING

(a) Definitions. The following words, terms, phrases and their derivations, when used in this section, shall have the meanings ascribed herein, except where the context clearly indicates a different meaning:

ACT means the Video Gaming Act, 230 ILCS 40/1, *et seq.*

BOARD means the Illinois Gaming Board.

COMMERCIAL MOTOR VEHICLES means as defined in Section 18b-101 of the Illinois Vehicle Code, 625 ILCS 5/18b-101.

GAMBLING means: (i) the playing of a game of chance or skill for money or other thing of value including but not limited to baccarat, twenty-one, poker, craps, slot machines, a video game of chance, roulette, klondike, punchboard, faro, keno, numbers ticket, push card, jar ticket, pull tab, bingo, lotteries, and raffles; (ii) wagering on the result of any game, contest or any political nomination, appointment or election; (iii) the playing or use of any gambling device or the operation, keeping, owning, use, purchase, exhibition, rental, sale, or bargain for the sale or lease of any gambling device; (iv) the ownership or possession of any books, instruments or apparatus by means of which bets or wagers have been recorded or registered; (v) sale of pools upon the result of any game or contest of skill or chance, political nominations, appointments or elections; (vi) the establishment or promotion of any lottery or the sale, or offering for sale, or to knowingly possess or transfer any policy ticket or similar device; and (vii) the knowing advertisement of any lottery or policy game including the drafting, printing or publishing of any lottery ticket, share, policy ticket or similar device, (viii) the knowing transmittal of information as to wagers, betting odds or chances by telephone, telegraph, radio, semaphore or similar means, or the knowing installation of equipment for the transmission or receipt of such information except that nothing herein shall prohibit the transmission or receipt of such information for the use of news reporting of sporting events or contests.

**GAMBLING DEVICE** means any clock, tape machine, video machine, video gaming terminal, slot machine, mechanism, table, furniture, fixture, equipment, instrument or other thing used for the reception of money or other thing of value on chance or skill or upon which the action of money or other thing of value is staked, hazarded, bet, won or lost, or which is primarily for use for gambling. A "gambling device" shall not include: (i) a coin operated mechanical device played for amusement which awards the player with the right to replay such mechanical device and is so constructed or devised as to make the result for the operation thereof depend, in part, upon the skill of the player and which does not return to the player money, property or right to receive money or property; or, (ii) vending machines by which full and adequate return is made for the money invested and there is no element of chance or hazard.

**LICENSED ESTABLISHMENT** means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. "Licensed establishment" includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. "Licensed establishment" does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Illinois Gambling Act, except as provided in this paragraph.

**LICENSED FRATERNAL ESTABLISHMENT** means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

**LICENSED VETERANS ESTABLISHMENT** means the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

**LICENSED TRUCK STOP ESTABLISHMENT** means a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

**LICENSED LARGE TRUCK STOP ESTABLISHMENT** means a facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs: (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per

month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

LOTTERY means any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

POLICY GAME means any scheme or procedure whereby a person promises or guarantees by an instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property or evidence of debt.

TERMINAL OPERATOR means an individual, partnership, corporation, or limited liability company that is licensed under this Act and this section and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed large truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

VIDEO GAMING TERMINAL means 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 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.

(b) Gambling Prohibited. Except as otherwise excepted in this section, it shall be unlawful for any person to gamble within the corporate limits of the city, or for any person or entity which owns, occupies or controls an establishment within the city, to knowingly permit others to gamble on the premises.

(c) Exceptions. Nothing in this section shall be deemed to prohibit or make unlawful the following activities or forms of gambling: (i) the keeping, possession, ownership, use or playing of a video gaming terminal in a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment or licensed veterans establishment, which is licensed by the Board and the City of Hickory Hills to conduct or allow such specific activities under the Act and this section; (ii) a licensee, licensed by the city, to conduct a raffle in accordance with the Raffles Act, 230 ILCS 15/0.01, *et seq.*; (iii) a licensee, licensed by the Illinois Department of Revenue, to conduct or allow bingo play in accordance with the Bingo License and Tax Act, 230 ILCS 25/1, *et seq.*; or a licensee, licensed by the Illinois Department of Revenue, to conduct or allow gambling in accordance with the Charitable Games Act, 230 ILCS 30/1, *et seq.*

(d) Business Licenses and Video Gaming Terminal Fees. Video gaming licenses shall be valid on a fiscal year basis. No video gaming license shall be issued to an applicant that does not meet the provisions of this section or who has not been issued an applicable license by the Board. The

annual business license fee for any person operating one or more licensed establishments, licensed fraternal establishments, licensed veteran's establishments, licensed truck stop establishments, or licensed large truck stop establishments having one or more video gaming terminal in the city shall be one hundred dollars (\$100.00) per establishment. The annual license fee for each video gaming terminal shall be two hundred fifty dollars (\$250.00). The cost of the video gaming terminal fee shall be shared equally between the licensed terminal operator and the video gaming establishment which owns or operates the video gaming terminal. No refunds or partial refunds shall be given by the city in the event either the licensed terminal operator or video gaming establishment ceases operations. No license fee shall be prorated.

(e) Licensed Establishments. Any business, liquor or food licensee within the corporate limits of the city that allows gambling to occur on premises in violation of this section shall be subject to having his/her/its license immediately revoked for a period of sixty (60) days. Any business, liquor or food licensee within the corporate limits of the city that allows gambling to occur on premises in violation of this section a second time shall have his/her/its license permanently revoked and, thereafter, barred from obtaining any business, liquor or food license within the city.

(f) Seizure of Unauthorized Gambling Devices and Gambling Funds. Any gambling device which is not authorized by this section shall be subject to immediate seizure and confiscation by the city. Any money or other thing of value intrinsically related to acts of gambling not authorized by this section shall be seized and forfeited as contraband. Disposition of such gambling devices and funds seized or confiscated shall be made in accordance with the law.

(g) Penalty. In addition to any other remedy authorized herein or under the law, any person found in violation of the provisions of this section shall be fined not less than two hundred fifty dollars (\$250.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. Each day a violation continues shall constitute a separate and distinct offense.

## **Section 2**

If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

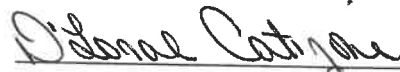
## **Section 3**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

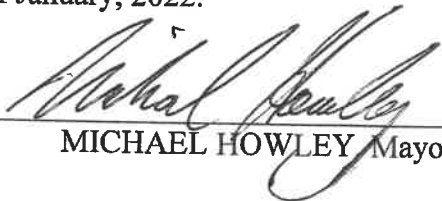
## **Section 4**

This ordinance shall be immediately in full force and effect after the passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the City Clerk of the City of Hickory Hills this 27<sup>th</sup> day of January, 2022.

  
D'LORAH CATIZONE, City Clerk

APPROVED by me this 27<sup>th</sup> day  
of January, 2022.

  
MICHAEL HOWLEY Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the City of Hickory Hills, in accordance with law, this 27<sup>th</sup> day of January, 2022.

  
D'LORAH CATIZONE, City Clerk