

8/24/2009

**77-0-09**

**AN ORDINANCE**

**Enacting a New Subsection 9-5-8-9  
of the Evanston City Code,  
"Video Gambling Prohibited"**

**WHEREAS**, the Video Gaming Act (230 ILCS 40/1 *et seq.*), effective July 13, 2009, permits certain establishments to allow up to five (5) video gaming terminals in such establishments; and

**WHEREAS**, the Video Gaming Act, in Section 27, permits a municipality to pass an ordinance prohibiting video gaming within its corporate limits; and

**WHEREAS**, "video gaming" means the ownership, placement, maintenance, operation, or use of a video gaming terminal in a public place or in a fraternal or veteran's establishment; and

**WHEREAS**, the City Council of the City of Evanston finds that legalized video gaming would present a variety of negative impacts upon the residents of the City, including impact on the cost of law enforcement, regulatory difficulties, and high social costs; and

**WHEREAS**, the City Council finds that it is in the best interests of the City to exercise its right under Section 27 of the Video Gaming Act to prohibit video gaming, as defined in said statute, from all areas within the corporate limits of the City,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND  
CITY COUNCIL OF THE CITY OF EVANSTON:**

**SECTION 1:** That the foregoing recitals are found as fact and made a part hereof.

**SECTION 2:** That Section 8 of the Evanston City Code of 1979, as amended, is hereby further amended by the enactment of a new Subsection 9-5-8-9, to read as follows:

**9-5-8-9: VIDEO GAMING PROHIBITED:**

Video gaming, as defined in the Video Gaming Act (230 ILCS 40/1 *et seq.*, as amended), is hereby expressly prohibited within the corporate limits of the City of Evanston. The maintenance of a "video gaming terminal", as defined in said statute, is prohibited and any such gaming terminal shall be immediately removed by the owner or operator from the public place or fraternal or veteran's establishment in which it is located.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

**SECTION 5:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 14, 2009

Adopted: September 14, 2009


Approved:

September 16, 2009

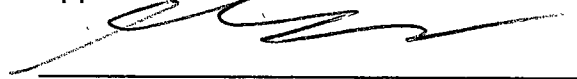


Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:



Elke B. Tober-Purze, Interim  
First Assistant Corporation Counsel

