

AMENDING CHAPTER 38 "INTOXICATING LIQUORS", SECTION 38.27(C) "GAMBLING DEVICES", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS TO THE NUMBER OF GAMBLING DEVICES ALLOWED PER ESTABLISHMENT.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, on March 27, 2017, the City Council passed Ordinance 2017-012 amending Chapter 38 "Intoxicating Liquors", Section 38.27(c) "Gambling Devices" of the City's Municipal Code to authorize the establishment or maintenance of no more than five (5) video gaming terminals per licensed establishments as provided by the Video Gaming Act, 240 ILCS 40/1, *et seq.*; and

WHEREAS, the Illinois General Assembly recently amended the Video Gaming Act to authorize the establishment or maintenance of no more than six (6) video gaming terminals per licensed establishments; and

WHEREAS, the City's corporate authorities find that it is in the best interests of the City's welfare, public health, and safety to amend the City's Code to authorize the establishment or maintenance of no more than six (6) video gaming terminals per licensed establishments; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: Chapter 38 "Intoxicating Liquors", Section 38.27(c) "Gambling Devices", Subsection (7) of the City's Municipal Code shall be amended to state in its entirety as follows:

- (7) Notwithstanding any contrary provision of state statute or other applicable regulation, no license issued pursuant to this section 38.27(c) shall authorize the establishment or maintenance of more than six (6) video gaming terminals per licensed establishment.

SECTION 2: The City Council hereby approves and directs City Staff to issue licenses to all existing licensees authorizing the establishment or maintenance of up to six (6) video gaming terminals per licensed establishment. All resolutions and ordinances, or portions thereof, in conflict with this ordinance, including all resolutions and ordinances limiting licensees to the establishment or maintenance of no more than five (5) video gaming terminals per licensed establishment, are hereby repealed and amended to authorize the establishment or maintenance of no more than six (6) video gaming terminals per licensed establishment.

SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

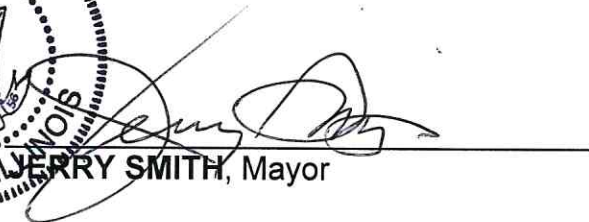
SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 22nd day of July 2019 and approved by me as Mayor on the same day. First Reading passed by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by a by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:


LYNN A. FAZEKAS, City Clerk




JERRY SMITH, Mayor