

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

CERTIFICATE

I, KATHLEEN JOHNSON, certify that I am the duly elected Village Clerk of the Village of Lake Zurich, Lake County, Illinois.

I DO HEREBY CERTIFY that as such Village Clerk I am keeper of Ordinances, Resolutions, Minutes, Entries, Orders, Books, Papers, Records and Seal of said Village.

I DO HEREBY CERTIFY that the attached is a true and correct copy of:

**AN ORDINANCE CLARIFYING THE ISSUANCE OF CLASS A-1 and
CLASS V LIQUOR LICENSES TO CERTAIN LICENSE CLASSES for
BUSINESS ESTABLISHMENTS WHEN PRIMARY BUSINESS MODEL and
SOURCE OF REVENUE IS NOT VIDEO GAMING TERMINALS.**

ORD. # 2017-8-214

WITNESS my Hand and Corporate Seal of said Village of Lake Zurich, Illinois, this day, August 22nd, 2017.



Kathleen Johnson
Village Clerk

(SEAL)



VILLAGE OF LAKE ZURICH
ORDINANCE NO. 2017-8-214



**AN ORDINANCE CLARIFYING THE ISSUANCE OF CLASS A / A-1 AND
CLASS V LIQUOR LICENSES TO CERTAIN LICENSE CLASSES FOR
BUSINESS ESTABLISHMENTS WHEN PRIMARY BUSINESS MODEL AND
SOURCE OF REVENUE IS NOT VIDEO GAMING TERMINALS**

WHEREAS, the State of Illinois passed the Video Gaming Act (230 ILCS 40/1 *et seq.*) on July 13, 2009, authorizing limited use of video gaming terminals, as defined in the Video Gaming Act, at establishments in Illinois that are licensed to serve alcoholic beverages; and

WHEREAS, the Village Board has determined that the Village of Lake Zurich (the "Village") has the authority to regulate video gaming within business establishments that meet State of Illinois requirements; and

WHEREAS, the Village Board approved Ordinance 2014-4-963 amending the Local Liquor Control Ordinance to provide for video gaming pursuant to the Illinois Video Gaming Act; and

WHEREAS, the Video Gaming Act authorizes a municipality to prohibit or restrict video gaming within its corporate boundaries by ordinance or resolution; and

WHEREAS, the Village seeks to enhance its local regulations pertaining to the proliferation, administration, and location of video gaming establishments; and

WHEREAS, the Village has an interest in protecting its citizens from the proliferation of establishments that are licensed to serve alcoholic for the primary purpose of providing video gaming terminals within the Village; and

WHEREAS, the Village and its officials are authorized for the public good and convenience to establish liquor license classes and regulations and restrictions and

pursuant to the provisions of Section 4-4 of the Illinois Liquor Control Act of 1934, (235 ILCS 5/4-1, *et seq.*), to provide for the control, management and licensing of the sale of alcoholic beverages within the corporate boundaries of Lake Zurich; and

WHEREAS, a Village Class A / A-1 liquor license for restaurant full service is required prior to any establishment obtaining a Class V liquor license for video gaming terminals; and

WHEREAS, the President and Board of Trustees find it is in the best interests of the Village to not allow the issuance of liquor licenses to those business establishments locating within its corporate boundaries when video gaming is the primary business model and source of revenue; and

WHEREAS, the regulations and restrictions within this Ordinance shall not apply to fraternal or veterans establishments.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Illinois as follows:

Section 1. Recitals. The above recitals are hereby declared to be true and correct findings of the Village Board of the Village of Lake Zurich, and are incorporated herein.

Section 2. Definition. Video gaming café business are defined within the Village of Lake Zurich as follows:

Video gaming café: A specialized type of establishment that serves alcohol and a small assortment of food, but whose business model focuses on providing video gaming for its customers. This definition excludes fraternal or veterans establishments.

Section 3. Class A / A-1. The Village of Lake Zurich Class A / A-1 liquor license is not intended to include and does not include video gaming cafés. Such Class A / A-1 license shall not be available to business establishments within the corporate boundaries of Lake Zurich when its primary business model and source of revenue is video gaming terminals, per the above definition of video gaming café in Section 2 of this Ordinance.

Section 4. Existing Establishments. Nothing in this Ordinance shall prohibit the installation and operation of video gaming terminals in any establishment that holds a valid Lake Zurich Class A or A1 in conjunction with a Class V liquor license

on July 18, 2017 and is otherwise permitted by statute to operate video gaming terminals.

Section 5. That if any provision of this Ordinance or application thereof to any entity or person or circumstance is declared invalid or held to be unlawful, such declaration or holding shall not affect the validity of any of any other portion or provision of this Ordinance and such declaration or holding shall be severable from the remainder hereof.

Section 6. This Ordinance shall be in full force and effect immediately upon its passage and approval as provided by law.

APPROVED this 21st day of August, 2017.

AYES: 5 Trustees Beaudoin, Euker, Sparrow, Szwedko, Weider

NAYS: 0

ABSENT: 1 Trustee Shaw.

ADOPTED this 22 day of August, 2017.

By: Thomas Poynton
Thomas Poynton, Village President

ATTEST:

Kathleen Johnson
Kathleen Johnson, Village Clerk