



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-080
DATE OF PASSAGE November 14, 2023

An Ordinance Amending Chapter 29 - Article 29-IV, Division 29-IV-2 Pertaining to Gambling.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, there are reports of numerous unlicensed and unregulated video gaming machines in operation within the City of Aurora; and

WHEREAS, while there exists legislation at the State and local levels regulating video gaming machines, business owners have found a loophole in this legislation wherein they feel they can operate video gaming machines in their businesses under the guise of amusement devices; and

WHEREAS, it is in the best interest of public health, safety and welfare of the City of Aurora residents to prohibit the use of unregulated video gambling devices; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 29 - Article 29-IV, Division 29-IV-2 of the Code of Ordinance shall be and hereby are amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon passage and approval.

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

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Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

ORDINANCE NO. 023-080

LEGISTAR NO. 23-0803

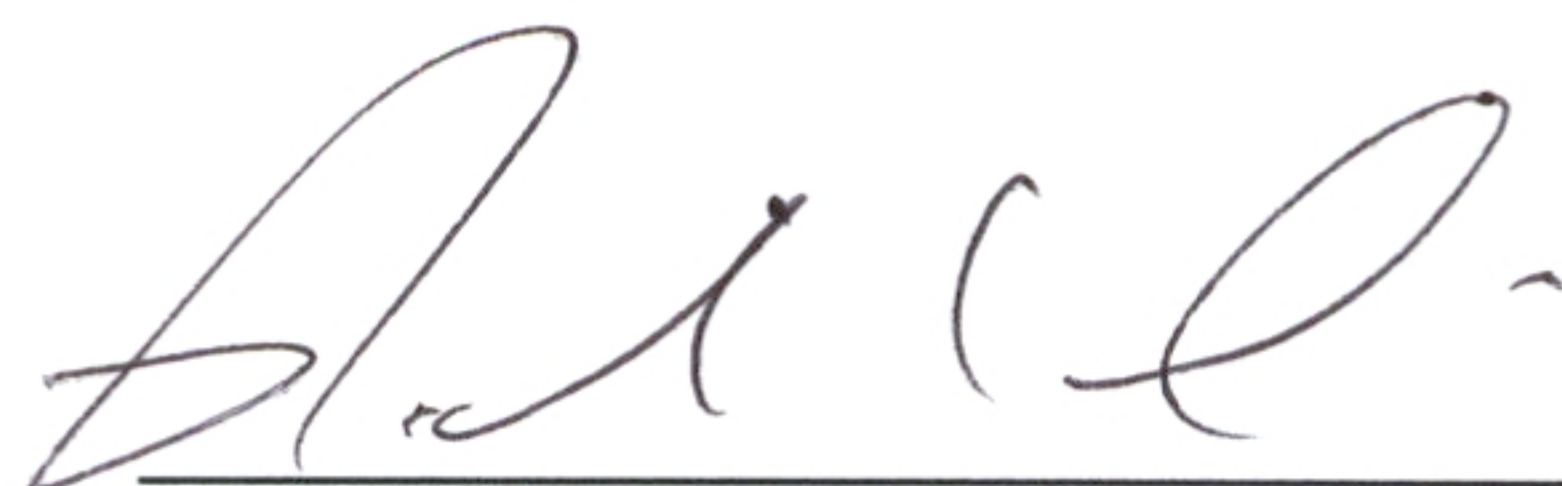
PASSED AND APPROVED ON November 14, 2023

AYES 11 NAYS 0 NOT VOTING 1 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	recused

ATTEST:


City Clerk


Mayor

1 DIVISION 29-IV-2 GAMBLING

2 Sec 29-76 Definitions

3 The following words, terms and phrases, when used in this division, shall have the
4 meanings ascribed to them in this section, except where the context clearly indicates a
5 different meaning:

6 Gambling device means: (1) any clock, tape machine, slot machine, or other machines
7 or device for the reception of money or other thing of value on chance or skill or upon
8 the action of which money or a voucher for money or other financial consideration is
9 staked, hazarded, bet, won, or lost; or (2) any mechanism, furniture, fixture, equipment,
10 or other device designed primarily for use in a gambling place; or (3) any vending or
11 other electronic machine or device, including, without limitation, a machine or device
12 that awards credits and contains a circuit, meter, or switch capable of removing and
13 recording the removal of credits that offers a person entry into any contest, competition,
14 sweepstakes, scheme, plan, or other selection process that involves or is dependent
15 upon an element of chance for which the person may receive a gift, award, or other item
16 or service of value if that offer is incidental to or results from: (A) the purchase of an
17 item or service of value; or (B) the purchase or gratuitous receipt of a coupon, voucher,
18 certificate, or other similar credit that can be redeemed for or applied towards an item or
19 service of value from such machine or device or elsewhere.

20 ~~Gambling device means any clock, tape machine, slot machine or other machine or~~
21 ~~device for the reception of money or other thing of value on chance or skill or upon the~~
22 ~~action of which money or other thing of value is staked, hazarded, bet, won or lost; or any~~
23 ~~mechanism, furniture, fixture, equipment or other device designed primarily for use in a~~
24 ~~gambling place, including any device that awards credits and contains a circuit, meter, or~~
25 ~~switch capable of removing and recording the removal of credits when the award of credits~~
26 ~~is dependent upon chance.~~

27 *Gambling device does not include:*

- 28 (a) A coin-in-the-slot-operated mechanical device played for amusement which
29 rewards the player with the right to replay such mechanical device, which device
30 is so constructed or devised as to make such result of the operation thereof depend
31 in part upon the skill of the player and which returns to the player thereof no money,
32 property or right to receive money or property.
33 (b) Vending machines by which full and adequate return is made for the money
34 invested and in which there is no element of chance or hazard.
35 (c) Video gaming terminals; or
36 (d) Any other device excluded from the definition of gaming device set forth in Sec. 28-
37 2 of the Criminal Code of 2012.

38 *Lottery means any scheme or procedure whereby one (1) or more prizes are distributed*
39 *by chance among persons who have paid or promised consideration for a chance to win*

1 such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or
2 some other name.

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

7 *Video gaming terminal* means any licensed electronic video game machine offered for
8 play by licensed establishments operated in accordance with the Video Gaming Act (230
9 ILCS 40/1, et seq.) and as authorized by the Illinois Gaming Board from time to time.
10 "Video game terminal" does not include amusement devices as defined in chapter 8.

11 **Sec 29-77 Gambling Prohibited**

12 (a) A person commits gambling when he knowingly:

13 (1) Plays a game of chance or skill for money or other thing of value, unless
14 excepted in subsection (b) of this section;

15 (2) Makes a wager upon the result of any game, contest or any political
16 nomination, appointment or election;

17 (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for
18 the sale or lease of, manufactures or distributes any gambling device;

19 (4) Contracts to have or give himself or another the option to buy or sell, or
20 contracts to buy or sell, at a future time, any grain or other commodity
21 whatsoever, or any stock or security of any company, where it is at the time
22 of making such contract intended by both parties thereto that the contract
23 to buy or sell, or the option, whenever exercised, or the contract resulting
24 therefrom, shall be settled, not by the receipt or delivery of such property,
25 but by the payment only of differences in prices thereof; however, the
26 issuance, purchase, sale, exercise, endorsement or guarantee, by or
27 through a person registered with the secretary of state pursuant to section
28 8 of the Illinois Securities Law of 1953 [815 ILCS 5/8], or by or through a
29 person exempt from such registration under section 8, of a put, call or other
30 option to buy or sell securities which have been registered with the secretary
31 of state or which are exempt from such registration under section 3 of the
32 Illinois Securities Law of 1953 [815 ILCS 5/3] is not gambling within the
33 meaning of this paragraph;

34 (5) Owns, knowingly owns or possesses any book, instrument or apparatus by
35 means of which bets or wagers have been, or are, recorded or registered,
36 or knowingly possesses any money which he has received in the course of
37 a bet or wager;

38 (6) Sells pools upon the result of any game or contest of skill or chance, political
39 nomination, appointment or election;

40 (7) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket
41 or share for any lottery;

42 (8) Sets up or promotes any policy game or sells, offers to sell or knowingly
43 possesses or transfers any policy ticket, slip, record, document or other
44 similar device;

- 1 (9) Advertises any lottery or policy game or drafts, prints or publishes any
- 2 lottery ticket or share, or any policy ticket, slip, record, document or similar
- 3 device, or any advertisement of any lottery or policy game;
- 4 (10) Drafts, prints or publishes any lottery ticket or share, or any policy
- 5 ticket, slip, record, document or similar device, except for such activity
- 6 related to lotteries, bingo games and raffles authorized by and conducted in
- 7 accordance with the laws of Illinois or any other state or foreign government;
- 8 (11) Transmits information as to wagers, betting odds or changes in
- 9 betting odds by telephone, telegraph, radio, semaphore or similar means;
- 10 or knowingly installs or maintains equipment for the transmission or receipt
- 11 of such information; except that nothing in this subsection prohibits
- 12 transmission or receipt of such information for use in news reporting of
- 13 sporting events or contests.
- 14 (12) Establishes, maintains, or operates an Internet site that permits a
- 15 person to play a game of chance or skill for money or other thing of value
- 16 by means of the Internet or to make a wager upon the result of any game,
- 17 contest, political nomination, appointment, or election by means of the
- 18 Internet. This item (12) does not apply to activities referenced in items (6)
- 19 and (6.1) of subsection (b) of this section.
- 20 (b) Participants in any of the following activities shall not be convicted of gambling:
- 21 (1) Agreements to compensate for loss caused by the happening of chance
- 22 including without limitation contracts of indemnity or guaranty and life or
- 23 health or accident insurance;
- 24 (2) Offers of prizes, award or compensation to the actual contestants in any
- 25 bona fide contest for the determination of skill, speed, strength or endurance
- 26 or to the owners of animals or vehicles entered in such contest;
- 27 (3) Pari-mutuel betting as authorized by the law of this state;
- 28 (4) Manufacture of gambling devices, including the acquisition of essential
- 29 parts therefor and the assembly thereof, for transportation in interstate or
- 30 foreign commerce to any place outside this state when such transportation
- 31 is not prohibited by any applicable federal law; or the manufacture,
- 32 distribution, or possession of video gaming terminals, as defined in the
- 33 Video Gaming Act, by manufacturers, distributors, and terminal operators
- 34 licensed to do so under the Video Gaming Act;
- 35 (5) The game commonly known as "bingo," when conducted in accordance with
- 36 the Bingo License and Tax Act [230 ILCS 25/1];
- 37 (6) Lotteries when conducted by the state in accordance with the Illinois Lottery
- 38 Law [20 ILCS 1605/1 et seq.];
- 39 (7) The purchase of lottery tickets through the Internet for a lottery conducted
- 40 by the State of Illinois under the program established in Section 7.12 of the
- 41 Illinois Lottery Law;
- 42 (8) Possession of an antique slot machine that is neither used nor intended to
- 43 be used in the operation or promotion of any unlawful gambling activity or
- 44 enterprise. For the purpose of this paragraph an antique slot machine is one
- 45 manufactured twenty-five (25) years ago or earlier;
- 46 (9) Raffles and poker runs when conducted in accordance with the Raffles and
- 47 Poker Runs Act [230 ILCS 15/1 et seq.];

- 1 (10) Charitable games when conducted in accordance with the Charitable
2 Games Act [230 ILCS 30/1];
3 (11) Gambling games when conducted in accordance with the Illinois
4 Gambling Act [230 ILCS 10/1 et seq.];
5 (12) Video gaming when offered for play by licensed establishments
6 operated in accordance with the Video Gaming Act (230 ILCS 40/1, et seq.)
7 and as authorized by the Illinois Gaming Board from time to time;
8 (13) Games of skill or chance where money or other things of value can
9 be won but no payment or purchase is required to participate, except where
10 participation in such game of skill or chance is accomplished using a
11 gambling device;
12 (14) Pull tabs and jar games when conducted under the Illinois Pull Tabs
13 and Jar Games Act;
14 (15) Sports wagering as defined by the Sports Wagering Act (230 ILCS
15 45/ et. seq.), but only in the manner and to the extent authorized by Section
16 25-25 of such Act and the rules of the Illinois Gaming Board and the Illinois
17 Department of the Lottery;
18 (16) Any other activity specified under subsection (b) of Section 28-1 of
19 the Criminal Code of 2012 (720 ILCS 5/28-1) for which a person could not
20 be convicted of gambling under state law.
21 (c) In prosecutions under this section, circumstantial evidence shall have the same
22 validity and weight as in any criminal prosecution.
23 (d) A person who commits the offense of gambling as defined in this section is guilty
24 of a Misdemeanor IV.

25 **Sec 29-78 Gambling Places**

26 A "gambling place" is any business, real estate, vehicle, boat or any other property
27 whatsoever used for the purposes of gambling, or the use of a gambling device, other
28 than gambling conducted in the manner and to the extent authorized by any provision of
29 Illinois law and the rules duly adopted pursuant to such law. Any person who knowingly
30 permits any premises or property owned or occupied by him or under his control to be
31 used as a gambling place shall be guilty of a misdemeanor IV. When any premises is
32 determined by an administrative hearing officer ~~a court having jurisdiction~~ to be a
33 gambling place:

- 34 (a) Such premises is a public nuisance and may be proceeded against as such;
35 (b) All licenses, permits or certificates issued by the state or any subdivision or public
36 agency thereof authorizing the serving of food or liquor on such premises shall be
37 void; and no license, permit or certificate so cancelled shall be reissued for such
38 premises for a period of sixty (60) days thereafter; nor shall any person convicted
39 of keeping a gambling place be reissued such license for one (1) year from his
40 conviction and, after a second conviction of keeping a gambling place, any such
41 person shall not be reissued such license;
42 (c) Such premises of any person who knowingly permits thereon a violation of any
43 provisions of this division shall be held liable for and may be sold to pay any
44 unsatisfied judgment that may be recovered and any unsatisfied fine that may be
45 levied under any provisions of this division.

1 **Sec 29-79 Forfeiture Of Gambling Devices**

2 Gambling devices shall be forfeited to the city under the conditions specified in and in the
3 manner provided by section 28-5 of the Criminal Code of 2012 as now or hereafter
4 amended [720 ILCS 5/28-5].