

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 11 (“GAMBLING”), ARTICLE 1 (“GENERAL PROVISIONS”) OF THE OAK PARK VILLAGE CODE TO ADD A NEW SECTION 11-1-6 (“ELECTRONIC SWEEPSTAKES MACHINES PROHIBITED”)

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village of Oak Park’s powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, Section 11-5-1 of the Illinois Municipal Code, 65 ILCS 5/11-5-1, provides Illinois municipalities with the authority to regulate “gaming, gambling houses, lotteries, and all fraudulent devices or practices for the purpose of obtaining money or property;” and

WHEREAS, Section 11-42-1 of the Illinois Municipal Code, 65 ILCS 5/11-42-1, further provides Illinois municipalities with the authority to regulate “amusements;” and

WHEREAS, pursuant to the Village’s home rule authority and the statutory authority set forth above, the Village Board has determined that the prohibition of electronic sweepstakes machines is necessary to for the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 11 (“Gambling”), Article 1 (“General Provisions”) of the Oak Park Village Code to add a new Section 11-1-6 (“Electronic Sweepstakes Machines Prohibited”) as follows:

11-1-6: ELECTRONIC SWEEPSTAKES MACHINES PROHIBITED:

A. For purposes of this section, the following terms shall be defined as follows:

ELECTRONIC MACHINE OR DEVICE: A mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be

used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism.

ENTER OR ENTRY: The act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.

ENTERTAINING DISPLAY: Visual information capable of being seen by a sweepstakes entrant that takes the form of actual game play or simulated game play of games, including, but not limited to, a poker game or any other kind of playing card game; a bingo game; a craps game; a keno game; a lotto game; an eight-liner game; a pot-of-gold game; a game based on or involving the random or chance matching of different pictures, words, numbers or symbols no dependent on the skill or dexterity of the player; a casino or gambling game; and any other video game the outcome of which is not in whole or in part dependent on the skill or dexterity of the player that is played in the course of revealing a prize as a result of an entry into a sweepstakes.

PRIZE: Any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

SWEEPSTAKES: Any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon an element of chance.

B. It shall be unlawful for any person to operate, or place into operation, an electronic machine or device for the following purposes:

1. To conduct a sweepstakes through the use of an entertainment display, including the entry process or the reveal of a prize; or
2. To promote a sweepstakes that is conducted through the use of an entertainment display, including the entry process or the reveal of a prize.

Section 3. Severability and Repeal of Inconsistent Ordinances. 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. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 19th day of November, 2018, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

APPROVED this 19th day of November, 2018.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 19th day of November, 2018.

Vicki Scaman, Village Clerk