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**THE VILLAGE OF SHERMAN**

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 2017-10

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**AN ORDINANCE MODIFYING THE SUNSET PROVISIONS OF THE VILLAGE CODE  
AND LIQUOR CODE ON VIDEO GAMING TO SUNSET AND BE REPEALED  
EFFECTIVE JULY 1, 2018, UNLESS RE-AUTHORIZED BY THE CORPORATE  
AUTHORITIES OF THE VILLAGE OF SHERMAN**

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TREVOR J. CLATFELTER President  
JOHN P. SWINFORD, Acting Village Clerk

PAM GRAY  
BRET HAHN  
BRIAN LONG  
KIM ROCKFORD  
KEVIN SCHULTZ  
JAY TIMM  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Sherman  
on June 6, 2017

Sorling Northrup – One North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2017-10

**AN ORDINANCE MODIFYING THE SUNSET PROVISIONS OF THE VILLAGE CODE AND LIQUOR CODE ON VIDEO GAMING TO SUNSET AND BE REPEALED EFFECTIVE JULY 1, 2018, UNLESS RE-AUTHORIZED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF SHERMAN**

**WHEREAS**, the Village of Sherman, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code and further is operating as a home-rule municipality pursuant to and with all powers under Article VII, Section 6 of the Constitution of the State of Illinois; and

**WHEREAS**, the Village Board previously approved Ordinance Nos. 2012-11 and 2012-12 enacting certain provisions allowing for video gaming within the Village of Sherman; and

**WHEREAS**, the Village Board previously adopted an ordinance establishing sunset provisions on the Village Code provisions allowing video gaming and the Village Liquor Code provisions establishing a Class "VG" license, to sunset and be repealed effective July 1, 2017; and

**WHEREAS**, the Corporate Authorities of the Village have determined that there are certain costs and negative impacts associated with allowing video gaming within the Village that require consistent re-evaluation of whether such is beneficial and should be allowed and permitted within the Village; and

**WHEREAS**, the Illinois Video Gaming Act, 230 ILCS 40/27, provides that a municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality; and

**WHEREAS**, the Corporate Authorities of the Village of Sherman believe it is in the

best interests of the Village that the provisions of the Village Code and Village Liquor Code on video gaming sunset on July 1, 2018, and thus no longer be in effect, unless such ordinances are specifically re-authorized by the Village Board.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Sherman, Sangamon County, Illinois, as follows:

**Section 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2. Amendment to Ordinance Nos. 2012-11 and 2012-12.** Section 5, Effectiveness, on both Ordinance Nos. 2012-11 and 2012-12, as amended, shall further be amended as follows on both ordinances:

Section 5. Effectiveness. After its passage, this Ordinance shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities and shall thereafter remain effective until ~~July 1, 2017~~ July 1, 2018 at which time this Ordinance shall no longer be in effect unless re-authorized by the Village Board of Trustees in a separate re-authorization ordinance.

**Section 3. Amendments to Village Liquor Code and Village Code limiting effective date of video gaming provisions.** Title IV, Chapter 2, Section 4-2-5(7), of the Village Liquor Code and Title IV, Chapter 4, Section 4-4-2 of the Village Code shall be amended as follows:

**SECTION 4-2-5(7) CLASSES OF LICENSES - FEES**

(7) Class "VG" License. A Class "VG" License shall be a supplemental license that may be issued only to holders of a Class "A", Class "A-1" or Class "C" License. Holders of a Class "VG" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations, including all ordinances enacted by the Village. Prior to the issuance of a Class VG License, an application must be filled with the Liquor

Control Commissioner seeking the license, setting forth that any and all legal requirements to hold the license are met and the proposed use of video gaming within the licensed establishment, which may be contingent on the issuance of a license from the Illinois Gaming Board and an establishment permit by the Village. The Village reserves the right to revoke a license if video gaming is not active on the premises within 60 days of the application and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days. The application procedures set forth elsewhere within this Chapter shall be applicable to the issuance of a Class "VG" License. The provisions herein and other provisions within this Chapter allowing the use of video gaming and issuance of a Class VG License shall sunset and hereinafter all be repealed and no longer in effect on ~~July 1, 2017~~ July 1, 2018 unless re-authorized by separate ordinance of the Village Board.

#### **SECTION 4-4-2. VIDEO GAMING – PERMISSIBLE LOCATIONS**

Video gaming may be allowed within the Village by the following: (i) licensed establishments holding a Class A, Class A-1 or Class C liquor license issued by the Village in addition to a supplemental Class VG License; (ii) licensed fraternal establishments; (iii) licensed veterans establishments; and (iv) licensed truck stop establishments. No video gaming, however, shall be allowed without the issuance of a permit by the Village, the payment of the permit fees as set forth in Section 4-2-3, and compliance with the Video Gaming Act. Further, the provisions herein and other provisions within this Chapter allowing video gaming within the Village shall sunset and hereinafter be repealed and no longer in effect on ~~July 1, 2017~~ July 1, 2018 unless re-authorized by separate ordinance of the Village Board.

**Section 4. Severability.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 5. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed, including specifically Ordinance No. 2012-12; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Sherman prior to the effective date of this ordinance.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 6<sup>th</sup> day of June, 2017, at Sherman, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG	✓			
ROCKFORD	✓			
SCHULTZ	✓			
TIMM	✓			
CLATFELTER				
TOTAL	6	0	0	0

**VILLAGE OF SHERMAN**

  
 Trevor J. Clatfelter, President

Attest:

  
 John P. Swinford, Acting Village Clerk