



Incorporated in 1869

## Village of Rochester

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 16-19

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**AN ORDINANCE AMENDING THE VILLAGE CODE PROVISIONS ON ALCOHOLIC  
BEVERAGES ALLOWING FOR GAMBLING IN SECTION 21-3-17**

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DAVID L. ARMSTRONG, Village President  
LYNN LANGDON, Village Clerk

MARIBETH EANDI  
HAROLD HENDRICKSON  
JOE HILL  
WAYNE LIKEN  
STACIA MUNROE  
DOUG ZOBRIST  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Rochester  
on Sept 12., 2016

**ORDINANCE NO. 16-19**

**AN ORDINANCE AMENDING THE VILLAGE CODE PROVISIONS ON ALCOHOLIC BEVERAGES ALLOWING FOR GAMBLING IN SECTION 21-3-17**

**WHEREAS**, the Village of Rochester, 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 operating under the provisions of the Illinois Municipal Code; and

**WHEREAS**, the Village of Rochester (hereinafter, the "Village"), is an Illinois municipal corporation; and

**WHEREAS**, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issued; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of a local license not inconsistent with the law as the public good and convenience may require; and

**WHEREAS**, Section 21-2-7 of the Village Code allows video gaming machines in establishments with R-G and M-G licenses; and

**WHEREAS**, Section 21-3-17 of the Village Code makes it unlawful to maintain a gambling device upon any licensed premises; and

**WHEREAS**, the Corporate Authorities believe it is in the best interest of the Village to amend its Liquor Code to make it consistent with its prior amendments allowing for video

gaming at R-G and M-G licensed premises.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Rochester, County of Sangamon, 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 Village Code. Chapter 21 Article 3 Section 21-5-7 of the Village Code shall be and is hereby amended as follows:

**21-3-17 Gambling.** It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away except for a licensed video gaming machine or machines in accordance with this Code and the laws of the State of Illinois. It shall be unlawful for any licensee, or any agent and/or employee of a licensee, to give or award a cash prize or equivalent to any person playing any devices or machines defined as a coin-operated amusement device pursuant to Section 7-4-1 of the Illinois Revised Code except for a licensed video gaming machine or machines in accordance with this Code and the laws of the State of Illinois.

**Section 3.** 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 4.** Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Rochester 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 12 day of September, 2016, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MARIBETH EANDI	X			
HAROLD HENDRICKSON	X			
JOE HILL	X			
WAYNE LIKEN	X			
STACIA MUNROE	X			
DOUG ZOBRIST	X			
DAVID ARMSTRONG	X			
TOTAL	7	0	0	

**APPROVED** by the President of the Village of Rochester, Illinois this 12 day of

September, 2016.

  
DAVID L. ARMSTRONG, Village President

Attest:

  
LYNN LANGDON, Village Clerk