

COUNCIL WORKSHOP ITEM

ITEM: An Ordinance Amending Provisions for Not-for-Profit Clubs and Gambling on Liquor Licensed Premises
DATE: August 9, 2004
PREPARED BY: Carol Conforti, Liaison to the Liquor Commission
PURPOSE: Adopt an Ordinance Amending Gambling Provisions for Premises License to Sell Liquor

DISCUSSION:

At their meeting of August 5, 2004, the Downers Grove Liquor Commission recommended that the Council consider amending certain provisions concerning the types of activities that may be conducted upon premises licensed to sell liquor.

Presently, Section 3-33(a) prohibits gambling upon liquor licensed premises, even though, pursuant to Section 15-13, bingo/pull tabs/jar games and charitable games are allowed when conducted by not-for-profit organizations in compliance with the Illinois Bingo and License and Tax Act and/or Illinois Charitable Games Act.

Over the years, however, due to this loophole, fraternal organizations have been conducting bingo upon their premises. This ordinance proposes to allow Class "C" liquor license holders (VFW, Downers Grove Moose & American Legion) to continue to conduct bingo/pull tabs/jar games on their premises. These not-for-profit organizations, in turn, will provide proof that they hold a valid license from the State to conduct these activities. These organizations utilize and rely upon the revenue generated from bingo/pull tabs/jar games for their various philanthropic activities and to prohibit this revenue stream would be detrimental to the continued operation of the clubs.

The Liquor Commission also recommended that Council consider amending this ordinance to allow liquor licensed establishments the ability to "host" a casino night on their premises so long as the "co-host" is a not-for-profit organization holding a charitable games license from the State. The licensee and not-for-profit organization will be required to apply for a Special Event Liquor License for the event, as the event is not in the realm of the normal day to day operation of the establishment. Each licensee/not-for-profit organization shall be limited to three special events per year. Casino nights will be limited to one 24-hour consecutive period with liquor being available only within Downers Grove prescribed liquor sales hours. Alcohol sales shall not be allowed for any casino night conducted upon unlicensed premises. Gambling will remain prohibited unless conducted in accordance with State law.

Finally, upon reviewing the Special Event Liquor License provisions, a cost center analysis was completed and an amendment is proposed which will increase the fees for obtaining a Special Event Liquor License.

ATTACHMENTS:

AN ORDINANCE AMENDING PROVISION FOR NOT-FOR-PROFIT CLUBS AND GAMBLING ON LIQUOR LICENSED PREMISES

Liquor Commission Minutes of July 8, 2004 and August 5, 2004

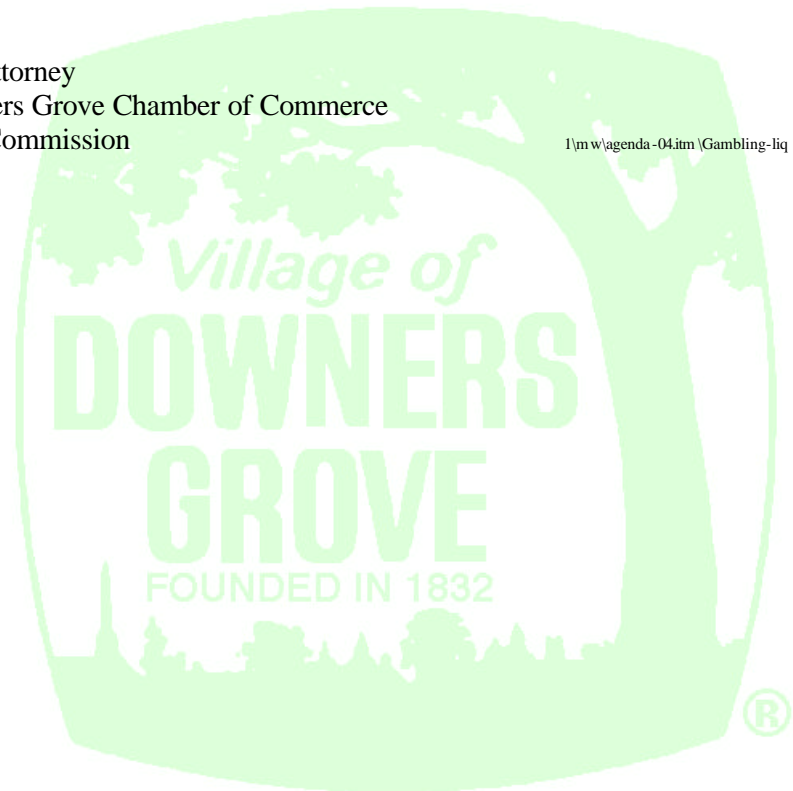
Staff Attorney memo concerning gambling and history of ordinance (July 8, 2004)

RECOMMENDATION:

It is requested that the Village Council consider this matter at their Workshop meeting of August 24, 2004.

cc: Enza Petrarca, Village Attorney
Barbara Wysocki, Downers Grove Chamber of Commerce
Downers Grove Liquor Commission

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ORDINANCE NO. _____

AN ORDINANCE AMENDING PROVISIONS FOR NOT-FOR-PROFIT CLUBS AND GAMBLING ON LIQUOR LICENSED PREMISES

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~strikethrough~~/underline; deletions by ~~strikethrough~~):

Section 1. That Section 3.32. is hereby amended to read as follows:

3.32. Restrictions on club licenses.

It shall be unlawful for any licensee holding a Class "C" license to sell or offer for sale any alcoholic liquor for any event which is open to the general public, except as follows:

(1) An event open to the public which is for the benefit of a not-for-profit or charitable organization and which is sponsored by a member of the club shall be permitted.

(2) An event open to the public which is not for the benefit of a not-for-profit or charitable organization or which is not sponsored by a member of the club may be held as a special event, subject to the restrictions of Section 3-38 of this Chapter.

~~(3) An event open to the public held for the purpose of gambling as defined in Section 3.33(a).~~
(Ord. No. 2586, § 1; Ord. No. 2735, § 1.)

Section 2. That Section 3.33. is hereby amended to read as follows:

3.33. Prohibited activities on licensed premises.

(a) Gambling. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor with the following exceptions:

(1) the game commonly known as "bingo", when conducted in accordance with the provisions of the of the Illinois Bingo License and Tax Act (230 ILCS 25/1 et seq.) and pull tab and jar games when conducted in accordance with the provisions of the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.) may be conducted for the sole benefit of the not-for-profit organization holding a valid Class "C" liquor license and shall be conducted upon those premises holding a Class "C" liquor license;

(2) an event commonly referred to as a "casino night" may be conducted at those establishments holding a valid annual license to sell liquor for on-premise consumption when hosted by a not-for-profit organization in accordance with the provisions of the Illinois Charitable Games Act (230 ILCS 30/1 et seq.), provided a Special Event Liquor License is granted to conduct the event pursuant to Section 3.38. The applicant (not-for-profit organization) and the co-applicant (liquor licensed establishment) shall be required to submit documentation that they are licensed by the State to conduct the charitable games and, if required, licensed by the State to provide premises for the conduct of the charitable games.

(b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress.

Gambling on Liquor Licensed Premises

(c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct; or books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:

- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
- (3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.

(d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions. (Ord. No. 2489, § 1; Ord. No. 2735, § 1.)

Section 3. That Section 3.38, is hereby amended to read as follows:

3.38. Special events.

(a) The purpose of this section is to provide for the issuance of temporary licenses for the sale of alcoholic liquor during special events. It shall be unlawful for any person who does not hold a valid liquor license pursuant to the provisions of this Chapter, to dispense or cause to be dispensed alcoholic beverages at a grand opening, wine tasting, open house or other special event open to the public, without first having obtained a special event license from the local Liquor Commissioner. It shall be unlawful for any person holding a valid liquor license to conduct a special event which exceeds the limitations on liquor sales or otherwise fails to meet the requirements inherent in the applicable license classification without first having obtained a special event license from the local Liquor Commissioner.

(b) Applications for a license under the provisions of this section shall be filed on forms provided by the Village. The general application procedures set forth in Sections 3-9 and 3-12 shall not apply to licenses issued under this section except for the requirement under Section 3-9(c) concerning dram shop insurance coverage. Provided, however, the Commissioner may refer any application under this section to the Commission for review and comment for any of the following reasons, including, but not limited to, the nature and complexity of the event and or concerns with past performance of an applicant. The application shall include such information as the Commissioner determines is necessary to process such application and may include, but is not limited to, the estimated number of persons attending the event, the location and layout of liquor sales at the event and at the premises, the persons responsible for dispensing of alcoholic liquor, steps to be taken by applicant to protect against any violations of the Village's ordinances, and information regarding the manner in which liquor will be dispensed and consumed. Additional information and material may be required during the processing of such application related to applicant's qualifications and information provided in the original submittal, including attachments. In the event applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the Village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(c) A fee shall be paid along with the application submittal based upon the estimated number of persons attending, as follows: to cover those administrative costs associated with processing the application. The fee for processing of license shall be \$75.00. The fee for processing of license when a hearing is required before the Downers Grove Liquor Commission shall be \$175.00.

| <u>Estimated Attendance</u> | <u>Event Fee</u> |
|-----------------------------|------------------|
| 0-500 | \$ 25.00 |

Gambling on Liquor Licensed Premises

| | |
|------------------|---------|
| 500—1,000 | —50.00 |
| 1,001—5,000 | —100.00 |
| 5,001—10,000 | —150.00 |
| more than 10,000 | —200.00 |

(d) ~~In the event actual attendance exceeds the estimated amount by more than 5%, the applicant shall pay to the Village the difference between the fee received by the Village at the time of application and the fee which would have been required based upon the actual attendance. Provided, w~~Where the applicant is a governmental unit, the Liquor Commissioner may waive the fee otherwise required by this section.

(e) Upon submittal of a properly completed application and payment of fee, the Commissioner may issue a special events license subject to such reasonable restrictions as the Liquor Commissioner may require to protect the public health, safety and welfare, including, but not limited to the following:

(1) No more than three such special event licenses shall be issued for the same location or the same applicant/organization within any calendar year.

(2) The special event license holder shall take proper precautions and fully comply with the applicable provisions of this Chapter during the special event.

(3) The Each special event license will last no longer than two days forty-eight consecutive hours; however, special events held pursuant to Section 3.33(a)(2) shall last no longer than twenty-four consecutive hours. Hours of liquor sales must be in accordance with the provisions of Section 3-31(a).

(4) The provisions of Section 3-11(b) regarding proximity of the proposed special event shall not apply to licenses issued under this section.

(5) The provisions of Section 3-33.1(a)(1) regarding the number of drinks which may be delivered shall not apply to community special events sponsored by a governmental entity, subject to the following restrictions:

(i) No more than three glasses of beer or wine combined shall be sold or delivered to any one person at one time.

(ii) At least two persons over the age of twenty-one shall be present at all times in the liquor consumption area to monitor compliance with applicable regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(iii) The licensee shall incorporate such other measures as the Liquor Commissioner may direct to protect the public health safety and welfare, including measures to protect against violations of the regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(6) The provisions of Section 3-30 regarding outdoor sales shall not apply to special event licenses issued under this section and a special event may include outdoor sales, service and consumption as approved by the Liquor Commissioner.

(7) Except as otherwise provided in this section, the applicant shall comply with all applicable provisions of the Downers Grove Municipal Code, including but not limited to, zoning, building, health and safety regulations.

(ef) The Commissioner may issue a special events license as provided under this section to permit the sale and consumption of alcoholic liquor on public property. Provided, except for Village sponsored or co-sponsored community-wide celebrations, special events and other similar activities or functions, a special commercial event license as provided in Chapter 19 of the Downers Grove Municipal Code shall be required for any special event conducted wholly or partially upon Village controlled property. An application shall be completed as provided in subsection (b) above and submitted to the Commissioner for decision. Provided, in addition to any other requirements which may be imposed, issuance of any special events license involving public property shall be contingent upon proof of dram shop insurance, up to the statutory limit, and such other liability insurance as the Village may from time to time direct, listing the Village, its officers and employees, as named insured. (Ord. No. 2246, § 4; Ord. No. 2586, § 2; Ord. No. 2735, § 1.)

Gambling on Liquor Licensed Premises

Section #4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section #5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest:

Village Clerk

Cost Center Analysis

Special Event Liquor License Processing

| Liquor Liaison | | | | |
|--|-------------|--------|---------------|----------------|
| Process Request/No Hearing Required: | Hourly Rate | 2.25 | Hourly x Hrs | |
| Initial letter w/ application forwarded to applicant | | | | |
| Review App/Prior Event/Issues w past events | | | | |
| Prepare Memo-overview of event to Mayor | | | | |
| Prepare Letter Authorizing Request | | | | |
| Follow up - attain State license copy | | | | |
| Notification memo to Police Department of event | | | | |
| Chief/Deputy Chief | | | | |
| Review/Announcement at Roll Call | Hourly Rate | 0.075 | Hourly x Hrs | |
| Supplies & Postage | | \$2.00 | \$2.00 | |
| | | | | |
| | | | TOTAL: | \$50.00 |

| Liquor Liaison | | | | |
|---|-------------|--------|---------------|-----------------|
| Process Request/Hearing Required: | Hourly Rate | 3.75 | Hourly x Hrs | |
| Initial letter w/ application forwarded to applicant | | | | |
| Review App/Event specifics | | | | |
| Prepare Cover Memo & Packet for Commission | | | | \$50.00 |
| Court Reporter Fees | | | | |
| Forward Liquor Commission Recommendation & Minutes to Mayor | | | | |
| Prepare Letter Authorizing Request | | | | |
| Follow up - attain State license copy | | | | |
| Notification memo to Police Department of event | | | | |
| Chief/Deputy Chief | | | | |
| Review/Announcement at Roll Call | Hourly Rate | 0.075 | Hourly x Hrs | |
| Supplies & Postage | | \$5.00 | \$5.00 | |
| | | | | |
| | | | TOTAL: | \$175.00 |

Special Event License Processing
(No Hearing Required)
Suggested: \$75.00 per request

(Hearing Required)
Suggested: \$175.00 per request

Special Event Liquor License Request - Pursuant to Section 3-38, licensees and non-licensees may request temporary licenses for the sale of alcoholic liquor during special events.

State of Illinois. He added that they've had this license for approximately 50 years. The proceeds from bingo are nil. He said they hold bingo on Tuesday of every week at 6:30 p.m. The net from the income goes to two scholarships and a school lunch program. He said that they participate quite actively in the community and most of their money stays within Downers Grove and the surrounding suburbs. He said that their Post is open to the public on bingo nights and receptions for private individuals. He said the income from bingo and pull tabs represents about 40% of their total gross income for the fiscal year.

Mr. Ralph Basile introduced himself as Commander of Post 503. He said that they don't have too much exposure to bingo. Their only opportunity is at Heritage Festival, which is a huge success. Their monies are used for a national home for foster children in Michigan. He also gives money to a group called Sharing Connections, which is a not-for-profit organization. He said they donate dry goods and food to them. They have donated money to the Police Department to purchase vests and to the Fire Department for the purchase of defibrillators. A scholarship is given through the Voice of Democracy Award.

Ms. Dietrich asked if they need to obtain the Illinois State License. Ms. Conforti said they can apply to the Illinois Department of Revenue for either an annual bingo/pull tab license or one based on the number of activities per year.

Gambling & Casino Nights

Ms. Perez said that recently, the Village has received inquiries into the ability to host casino nights to raise money for charity. She said that two ordinances are in conflict with the general casino night. She further stated that most often people want alcohol served on casino night.

Ms. Perez stated that the intent is to change Ordinance No. 3-33(A) to allow bingo, pull tabs and jar games a Class "C" liquor license establishment. Currently, the Village of Downers Grove specifically prohibits gambling on any liquor-licensed premises. She said the Village of Downers Grove specifically prohibits gambling within the Village although we do allow bingo, pull-tabs and jar games, lotteries and charitable games when conducted in accordance with the corresponding state statutes. (Ordinance No. 15-13.) She said that in order to obtain a state license for any of the allowable types of gambling (bingo, charitable games, etc.) an organization must be a not-for-profit organization defined as: "An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation."

Ms. Perez said that an establishment with a liquor license could not hold a casino night themselves. A not-for-profit organization would have to request a casino night at a licensed establishment if an amendment to the liquor ordinance is permitted.

She said that she pulled the ordinances for St. Charles, Glen Ellyn, Oak Brook, Oakbrook Terrace, Woodridge, Schaumburg, Hinsdale, Carol Stream and even Aurora. None of

these towns allow alcohol and gambling together. For Aurora, gambling (with alcohol) on a riverboat is allowed since it is not on land.

She has had conversations with the Mayor who indicated he attended a casino night in Oak Brook. She then contacted the Oak Brook Village Clerk and the Clerk confirmed that they, indeed, do have an ordinance similar to ours that prohibits alcohol and gambling in the same establishment. Apparently, the organization that held the casino night did not notify the Village of their event. If the organization conducting the event does not contact the municipality, the event proceeds. This, however, does not make it right or legal.

She said that about 10 years ago, there were requests for casino nights. If the municipality submitted their ordinance that does not allow alcohol and gambling to the Department of Revenue (the state entity who issues licenses), they will not issue a license to that entity for that specific event. Downers Grove is one of only a few municipalities who have actually submitted their ordinance regarding this ban. This may be another loophole that allows a casino night events to occur. If the Department of Revenue is not aware of the ordinance, they cannot control the issue.

It was requested that the Liquor Commission consider whether or not the Village should allow such events to occur, effectively, requesting a change in the ordinance. She noted that Downers Grove may be one of the only communities to allow gambling and alcohol together.

Mr. Madary introduced himself as the fund raising chairman for the Rotary Club of Hinsdale/Oak Brook. He said that an alliance was formed between the Rotary Club and the Women's Community Service Organization called Kids in Need. He is planning to hold a casino night. They are anticipating 500 attendees and charging \$100/ticket. They will have a sit-down dinner, gaming tables and dancing. They would like to have it in Downers Grove at Esplanade Lakes. They are working with a consultant who does 150 casino nights a year. He said that he is unsure that a casino night is gambling because all the money is donated. All of the profits are donated to children with special needs. He requested a variance for the evening. He said it's a popular way for non-profit organizations to raise money for children.

Chairman Kubes asked for the date of the event. Mr. Madary replied September 11th. Chairman Kubes asked staff if the casino night is considered gambling. Ms. Conforti said that according to Section 15.13 of the Ordinance, "No person shall, upon any premises or within any building within the Village occupied or controlled by him, set up, keep, maintain or operate or permit to be set up, kept, maintained or operated any card game or instrument, device or thing for the purpose of gambling or with which money or property, or anything representing money or property or anything of value shall in any manner be lost or won." Ms. Perez said that this could be done in accordance with the Illinois Charitable Games Act, but it is against the Liquor Code. Ms. Conforti said that Mr. Madary would have to apply for the license in order to conduct the activity. She said

the problem is that gambling is not allowed, even if they receive the license on any licensed establishment, for example, the Esplanade.

Ms. Dietrich asked what the concerns are for this activity. Ms. Perez replied that if gambling is allowed with liquor, the door might open to gentlemen's clubs, poker nights, etc. which might attract undesirable activities.

Mr. Barnett asked if the group conducting the event could obtain a Special Event License, similar to Oktoberfest. He clarified that if the only way gambling can coincide with alcohol is by getting a Special Event License, and then anyone can get it. He said that if an out of town group wants to hold an event in town, then the in town establishment has to get a license. Ms. Conforti said that regardless, the wording in the Ordinance would have to be eliminated, such as "gambling is not permitted on any licensed establishment". She said that a licensed establishment must submit application for a Special Event License.

Mr. McNemey said that he agrees with the suggestion of modeling the ordinance after the brunch license. He added that having the ordinance based upon existing license holders allows a control over licensed establishments versus an entirely new educational process for people who serve alcohol in the community. He said it ties into the Liquor Commission's mission.

Mr. Durkin said that Oktoberfest and the Library events are non-licensees doing a one-time event with no particular training structure. He asked if gambling is included in the activities of the Special Event, should there be a difference. He stated that he doesn't believe there should. After further discussion, both Ms. Clark and Ms. Perez agreed that a Special Event License could be issued both to an existing licensee and not-for-profit organizations.

Mr. Jim Nibeck said that he is a member of the Rotary Club of Hinsdale/Oak Brook. He said that he's concerned about the reference to a licensed establishment receiving a Special Use only 3 times a year. He said that Rotarians are business people and if Downers Grove is the only community where a casino night could be legally held, the Village's hotel facilities will be overwhelmed with organizations that do it. He knows that there are several hundred casino nights held each year in northern Illinois by charitable organizations. He said that placing a limit of a few times a year is counterproductive.

Ms. Dietrich commented that the intent is not to have Downers Grove noted as a gambling community.

Mr. Nibeck said that Rotary events are \$100/person as a minimum. He said that price includes the meal and drinks for the evening, not the gambling. He said it's not like going to a riverboat to gamble.

Ms. Conforti explained the Special Event Liquor License. She said that an applicant is limited to 3-events/calendar year. She said if a license holder, for example, the Esplanade wanted to do a special event involving gambling, they could apply for 3 events per year. She added that this is a way to bring business into Downers Grove, but not make it a regular activity.

Mr. McNerney agreed that he is concerned about casino nights becoming regular events.

Mr. Barnett asked if the Class "C" license could be segregated and only issued for not-for-profit organizations. Ms. Conforti said that a Class "C" license is a very particular license, which is only issued to not-for-profit charter clubs. Ms. Perez clarified that the proposal was to allow bingo and pull tabs, not charitable games. Chairman Kubes asked if the "C" license is limited to only 3 licenses in the Village. Ms. Conforti replied no. The bingo and pull-tabs can be conducted on a regular basis. She said that the distinction is that they're a club and not open to the general public, like the Esplanade.

Mr. Nibeck commented that he is unable to receive a gaming permit from the State without the Village's ordinance allowing it.

Ms. Conforti said the Mayor asked for guidance from the Liquor Commission as to allowing gaming activities on licensed premises.

Chairman Kubes said that he is in favor of club licenses to continue bingo. Ms. Conforti said that she would provide a draft ordinance to the Liquor Commission for their perusal. He asked for separate motions.

MR. BARNETT MOVED TO ALLOW CLASS "C-1" LIQUOR LICENSE HOLDERS TO OPERATE BINGO AND PULL TAB ACTIVITIES IN ACCORDANCE WITH THE STATE ACT. MR. DURKIN SECONDED.

VOTE: Aye: Mr. Barnett, Mr. Durkin, Mr. McNerney, Ms. Dietrich, Chairman Kubes

Nay: None

MOTION CARRIED: 5:0:0

Chairman Kubes said that he would like to continue discussion to allow gaming activities.

Mr. Nibeck asked if the Commission would allow a special opportunity to hold a casino night within the next six to eight months. Chairman Kubes replied that the Commission does not have the authority. He said that the minutes will be forwarded to the Village Council. He suggested Mr. Nibeck attend the Council meeting when the issue will be discussed and also to attend the next Liquor Commission meeting. Mr. Barnett agreed that only the Village Council has the authority to change the ordinance.

Mr. Nibeck commented that the irony is that this is similar to prohibition. He said that he could go to several major facilities in the Oak Brook area and have a casino night. He'd said that they would like to hold the event in Downers Grove. Chairman Kubes said that the ordinance cannot be changed in one evening but recommended forwarding the minutes to the Village Council and for legal counsel to draft an ordinance.

**MR. DURKIN MOVED TO DRAFT A REVISION TO SECTION 3-33A TO ALLOW GAMING ACTIVITIES FOR LIQUOR LICENSE HOLDERS.
MR. BARNETT SECONDED.**

VOTE: Aye: Mr. Durkin, Mr. Barnett, Mr. McInerney, Ms. Dietrich, Chairman Kubes

Nay: None

MOTION CARRIED: 5:0:0

Ms. Conforti said that Mangiate Ent. Ltd. d/b/a Big Dogs & More requested a name change to Gina's Belmont Grill. She said the next meeting is scheduled for August 5th and the group will further discuss the draft ordinance at their next meeting.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

MS. DIETRICH MOVED TO ADJOURN THE JULY 8, 2004 MEETING.

The meeting was adjourned by acclamation at 9:30 p.m.



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Governor's Hometown Award

2003 WINNER

August 11, 2004

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6701 Main Street

Downers Grove

Illinois 60516-3426

630.434.5980

FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

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DEPARTMENT

5101 Walnut Avenue

Downers Grove

Illinois 60515-4074

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FAX 630.434.5495

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

842 Curtiss Street

Downers Grove

Illinois 60515-4761

630.434.5595

FAX 630.434.5599

The Honorable Brian J. Krajewski
Mayor and Liquor Commissioner

*Re: Proposed Ordinance Change - Gambling on Liquor Licensed Premises and
Not for-Profit Clubs (Bingo/Pull Tab/Charitable Games)*

Dear Mayor Krajewski:

On August 5, 2004 the Liquor Commission considered changing the ordinance concerning gambling on liquor license premises. The following finding was made:

MR. BARNETT MOVED TO RECOMMEND THAT THE ORDINANCE AMENDING PROVISIONS FOR NOT-FOR-PROFIT CLUBS AND GAMBLING ON LIQUOR LICENSED PREMISES BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. McINERNEY SECONDED.

Aye: Mr. Barnett, Mr. McInerney, Ms. Dietrich, Ms. King, Chairman Kubes

Nay: None

Motion Carried: 5:0:0

Further discussion of this subject can be found on Pages 2 through 5 of the August 5, 2004 minutes of the Liquor Commission (attached).

Very truly yours,

Michael Kubes, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

a\gambling.rec

"The only order of business for this evening's meeting is discussion of a proposed ordinance concerning bingo/charitable gambling at liquor licensed establishments."

"I would request that the Commission members give their thoughts on the proposed ordinance contained in their packet."

IV. Ordinance Re: Gambling (Bingo/Charitable Games)

Mr. Barnett referred to page 1 of 4 of the draft ordinance which amends provisions for not-for profit clubs and gambling on liquor licensed premises. He specifically referred to the second section in the amendment area which states that "*an applicant (not-for-profit organization) and the co-applicant shall be required to submit documentation that they are licensed by the State to conduct the charitable games, etc.*" He asked Ms. Conforti to explain the process and added that it surprised him that the co-applicant is required to demonstrate the legality of providing games. Ms. Conforti replied that after reviewing Illinois Department of Revenue documents, it was discovered the site location has to obtain a license as well. A Special Event Liquor License Application notes that a Provider's License Number is required from the licensee.

Ms. Dietrich asked if there is a fee for the process. Ms. Conforti said a not-for profit entity could get either a year's license or a specific number of events. She believes that the Provider's license is probably similar, but was unsure of the exact cost.

Mr. Barnett noted that on page 3 of the same document, it states that a "*Special event will last no longer than two days. Special events held pursuant to Section 3.33(a)(2) shall last no longer than one day.*" He queried as to whether the timeframe should refer to hours rather than days. He explained that a bingo night could go until 1:00 a.m. and therefore, should be spoken in terms of hours rather than days. Ms. Conforti said that typically, Special Event Licenses don't go past midnight, however, if it did, the event could technically be counted as two days.

Chairman Kubes noted that it would have to coincide with the applicant's Liquor License. Ms. Conforti said liquor service has to be stopped at the prescribed hours pursuant to the ordinance. Ms. Clark suggested clarification by revising language to refer to a 24 consecutive hour period. Ms. Conforti said that she will also include in the Special Event section, the referral back to the allowable Downers Grove's liquor serving hours. Chairman Kubes noted the possibility of liquor service ending at 1:00 a.m., but the bingo or a casino night event lasting until 3:00 a.m. or 4:00 a.m.

Mr. McInerney asked if the proposed ordinance addresses the issue brought up by the Moose, VFW and American Legion at the previous Liquor Commission meeting. Ms. Conforti said yes, it will address their issue of allowing bingo upon their premises. She added that this draft ordinance also opens the door for other licensees to host casino nights, but not bingo.

Chairman Kubes asked if the proposed ordinance is legally sound. Ms. Clark replied yes. Ms. Conforti said that once the ordinance gets passed, she would forward a copy to the Illinois Department of Revenue.

Ms. King asked if the Village of Downers Grove would be the only community to allow casino nights. Ms. Clark said that neighboring municipalities mostly prohibit liquor sales and gambling, however, the activities have occurred anyway. By passing the ordinance now, the activities can be regulated. Mr. Barnett said that most ordinances prohibiting this were not directed towards not-for profit organizations.

Ms. King asked how the Village makes sure that all the monies go towards charities. Ms. Conforti replied that the State insures the money is properly disbursed. She added that the Illinois Department of Revenue performs audits and have very strict rules governing disbursements. She added that the Village receives some of the tax dollars from the activities.

Ms. King asked about event limitations. Ms. Conforti replied that 3 events will be allowed per year. Ms. King said her friend is an event planner. She asked what would happen if the event planner charged a large sum of money for planning the event, thereby receiving the bulk of the proceeds. Ms. Conforti replied that most charitable organizations plan the event themselves. Also, an event planner cannot utilize someone else's license from the State, unless authorized by the charitable organization. Ms. King asked if the rule still applied about a bet not exceeding \$10 and a maximum prize of \$250. Ms. Conforti said that the State regulates the betting range. She added that the State dictates everything that the not-for profit organizations have to comply with when conducting the activity. The Village will see no record of any documentation nor how the gambling activity is run.

Ms. Dietrich said a concern was discussed at the last meeting regarding the Esplanade holding numerous gambling/casino nights. This concern is addressed by placing a limit of 3 special events per year. Chairman Kubes asked if they could hold a non-alcoholic function on their own site. Ms. Conforti replied that they could and the Village would not regulate them if no alcohol was involved.

Mr. Barnett asked if a non-licensee could apply for a Special Event liquor license and then conduct a casino night. Ms. Clark replied no. She added that further language will be added in that licensees holding an "annual" license would qualify.

Ms. Conforti said the intent is to allow licensees the ability to hold casino nights; but regulate the activity so as not to receive an influx of them. This will also allow a tighter reign upon the activities. Mr. McInerney said he agrees with the addition of applicants holding an *annual license*. He said this way, the license will be processed through a public forum. Ms. Conforti added that it may be in the Village's best interest to allow gambling activities and drinking to occur with experienced licensees as opposed to allowing them for non-licensed entities.

After further discussion, Chairman Kubes summarized the change to the draft ordinance by including that *valid annual license holders be allowed to apply for a special event and that the event be limited to a single consecutive 24 hour period.*

Chairman Kubes questioned the event application fee structure and asked why there is not one flat fee. Ms. Conforti said the fee was probably structured to accommodate smaller activities and has been on the books for a number of years. Mr. Barnett agreed that since the purpose of fees is cost coverage, he echoes Chairman Kubes' desire a one flat fee. Ms. Conforti said most Special Event Applications require minimal paperwork, and are approved by the Mayor and are not brought before the Liquor Commission. However, if an event requires a hearing, it is more costly. She suggested having an application fee for an event that requires a hearing and a fee if it is approved administratively. Chairman Kubes agreed, but added that a \$25 fee seems inadequate. Ms. Conforti said that she would be comfortable with a revised fee for a non-referred application. Chairman Kubes said that a \$200 non-refundable fee seemed appropriate. Ms. Conforti said that she would work on a cost analysis for a fee for applicants with or without a hearing referral to the Liquor Commission.

Ms. King asked if the Liquor Commission would review future casino night requests. Ms. Conforti said that it will depend on the organization involved and also upon the Mayor's comfort level with the applicant. Chairman Kubes stated that applications would have to be considered on a case-by-case basis.

Ms. Dietrich suggested a letter of explanation upon application saying that the fee is at the discretion of the Mayor. Chairman Kubes agreed with charging an initial fee upon application with an increase if a referral to the Commission is required. Ms. Dietrich added that an explanation with possible reasons for referral should also be included. Ms. Conforti said that she would add that information to a cover letter.

Mr. Barnett suggested an application fee of \$100. However, if the Liquor Commissioner requires a review by the Liquor Commission, there will be an additional \$100 fee. Mr. McInerney agreed.

Chairman Kubes asked for a timeframe for this to be presented to Council. Ms. Conforti replied that August 24th Council Workshop is the target date. She said that she would send a cost center analysis to the Liquor Commission members. Chairman Kubes reiterated that he would like the fee based on attendance eliminated and a structured fee be created, based upon referral and non-referral to the Liquor Commission. Ms. Dietrich recommended that the cover letter indicate that the fee is to cover administrative costs.

Chairman Kubes asked if anyone in the audience would like to comment. Bob Eisenberger of the American Legion said that he was concerned about the ordinance concerning gambling. Chairman Kubes summarized that the Liquor Commission agreed to allow gambling in licensed establishments, such as bingo nights for not-for profit organizations, as long as State Statutes and bylaws are adhered to.

Chairman Kubes asked for a motion regarding the aforementioned changes.

MR. BARNETT MOVED TO RECOMMEND THAT THE ORDINANCE AMENDING PROVISIONS FOR NOT-FOR-PROFIT CLUBS AND GAMBLING ON LIQUOR LICENSED PREMISES BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. McINERNEY SECONDED.

VOTE: Aye: Mr. Barnett, Mr. McInerney, Ms. Dietrich, Ms. King, Chairman Kubes

Nay: None

MOTION CARRIED: 5:0:0

V. OLD BUSINESS

Ms. Conforti presented the following information regarding a North Beach update to the members of the Liquor Commission. North Beach has established the following:

- A designated Thursday "spotter"
- *Victim Impact Panel* videotape viewing as part of training.
- Designated Driver Program in place.
- All outside advertising of the Thursday drink specials have been discontinued.

In addition, North Beach has implemented the following:

- Announcement of last call on Thursday night has been stopped.
- Buffet is available to patrons on Thursday's close.
- Managers are now subject to fines based on DUI notifications.
- A bonus has been provided based on a significant reduction of DUI's.

Ms. Conforti said that a DUI recently occurred from North Beach. They are still being monitored and she now e-mails North Beach within 2 weeks of the incident as opposed to them waiting to hear from the Police Department.

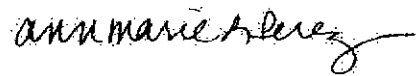
Mr. Barnett said he believes the police have increased DUI enforcement. He noted that percentage wise, North Beach has had the same percentage of arrests as last year. Ms. Conforti said there are 208 DUI's to date this year, whereas last year there was a total of 282. Ms. King said that Manager Ginex commented at a recent meeting that the Police force is young and aggressive. Ms. Clark added that DUI cases are running at a guilty plea of 93%.

Mr. Barnett said that he wouldn't want a public perception that licensees are not serving responsibly because of the increased number of DUIs. Ms. King asked where the DUI funds go. Ms. Clark said that the Police Department receives a \$100 tech fee for a first time offender, \$200 is received for a second offender. This goes directly to the Police

Carol

VILLAGE OF DOWNERS GROVE
LEGAL DEPARTMENT CORRESPONDENCE

DATE: July 8, 2004
TO: Liquor Commission
FROM: Ann Marie L. Perez, Staff Attorney



SUBJECT: Gambling

Recently, the Village has received inquiries into the ability to host a casino night to raise money for charity. Based upon the general premise that gambling is illegal in Illinois except under certain statutory exceptions (on a riverboat or pursuant to a license issued by the state to a not-for-profit organization for bingo, charitable games, pull tabs and jar games, etc. 720 ILCS 5/28-1), the following information is brought to your attention:

- The Village of Downers Grove specifically prohibits gambling on any liquor-licensed premises. (Ordinance No. 3-33.)
- The Village of Downers Grove specifically prohibits gambling within the Village although we do allow bingo, pull tabs and jar games, lotteries and charitable games when conducted in accordance with the corresponding state statutes. (Ordinance No. 15-13.)
- In order to obtain a state license for any of the allowable types of gambling (bingo, charitable games, etc.) an organization must be a not-for-profit organization defined as: "An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation."
- I have pulled the ordinances for St. Charles, Glen Ellyn, Oak Brook, Oakbrook Terrace, Woodridge, Schaumburg, Hinsdale, Carol Stream and even Aurora. None of these towns allow alcohol and gambling together. For Aurora, gambling (with alcohol) on a riverboat is allowed since it is not on the land of the town.
- Since Mayor Krajewski indicated to me that he attended a casino night in Oak Brook, I contacted the Oak Brook Village Clerk. The Clerk confirmed that they, indeed, do have an ordinance similar to ours that prohibits alcohol and gambling in the same establishment. Apparently, the organization that held the casino night that the Mayor attended did not notify the Village of their event.
- Personally, I attended a casino night in Glen Ellyn. I called their Village Clerk and she confirmed that they do have an ordinance that prohibits gambling and alcohol together. They were unaware of the event that I attended.
- The Mayor indicated that as a Rotary Member, he was asked to assist another rotary in a casino night by being a dealer for the night. The event was to occur in St. Charles at the Pheasant Run Resort. I contacted the City Clerk for St. Charles who was surprised to hear that a casino night was scheduled to occur since they were not notified of the event and do not allow them.

- If the organization conducting the event does not contact the municipality, the event proceeds. This, however, does not make it right or legal.
- Additionally, I reviewed our legal department files and found some interesting memoranda. I have attached them. It appears that about 10 years ago, there was a lot of request for casino nights as well. If the municipality has submitted their ordinance that does not allow alcohol and gambling to the Department of Revenue (the state entity who issues licenses), they will inquire and possibly not issue a license to that entity for that specific event. Downers Grove is one of only a few municipalities who have actually submitted their ordinance. This may be another loophole that allows a casino night events to occur. If the Department of Revenue is not aware of the ordinance, they cannot control the issue.
- I have also attached a letter that inquires as to whether or not a referendum could be placed on the ballot regarding gambling in the Village. There is a memo that details the concerns written by the legal department in 1993/4. Apparently, Mayor Cheever did not want to allow this referendum and it died.
- The Mayor requested we submit this issue to you, the Liquor Commission, for consideration on whether or not we should allow such events to occur, effectively, requesting a change in the ordinance.
- Due to the fact that no town actually allows these events, Downers Grove would be the only one, if we changed the ordinance and allowed gambling and alcohol together.

Section 3.33. Prohibited activities on licensed premises.

(a) Gambling. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

(b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress.

(c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct; or books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.

(3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.

(d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions. (Ord. No. 2489, § 1; Ord. No. 2735, § 1.)

(3572, Amended, 06/21/1993)

Section 15.13. Gambling.

(a) No person shall, upon any premises or within any building within the Village occupied or controlled by him, set up, keep, maintain or operate or permit to be set up, kept, maintained or operated any card game or instrument, device or thing for the purpose of gambling or with which money or property, or anything representing money or property or anything of value shall in any manner be lost or won; provided, however, that the game commonly known as "bingo", when conducted in accordance with the provisions of the of the Illinois Bingo License and Tax Act,¹ pull tab and jar games when conducted in accordance with the provisions of the Illinois Pull Tabs and Jar Games Act², charitable games when conducted in accordance with the Illinois Charitable Games Act³, and lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law, shall be permitted and shall not be construed as a violation of this section.

(b) No person shall participate in the activities defined as gambling in subsection (a). (R.O. 1925, § 411; Ord. No. 301, § 1; Ord. No. 2121, § 1; Ord. No. 2812, § 3; Ord. No. 2877, § 1.)

NOTE: For state law as to gambling, see Ill. Comp. Stat., ch. 720, §§ 5/28-1 to 5/28-9. As to authority of Village to suppress gambling, see Ill. Rev. Stat., ch. 24, § 11-501. (Repealed)

¹Ill. Comp. Stat., ch. 230, §§ 25/1 et seq.

²Ill. Comp. Stat., ch. 230, §§ 20/1 et seq.

³Ill. Comp. Stat., ch. 230, §§ 30/1 et seq.

⁴Ill. Comp. Stat., ch. 230 §§ 15/.01 et seq.

(3651, Amended, 05/23/1994; 3644, Amended, 04/11/1994)

5/28-1. Gambling.

§28-1. Gambling.

(a) A person commits gambling when he:

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

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

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

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

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

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

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

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

(9) Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government; or

(10) Knowingly advertises any lottery or policy game, except

for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subdivision (11) prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet.

(b) Participants in any of the following activities shall not be convicted of gambling therefor:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this State;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law;

(5) The game commonly known as "bingo", when conducted in accordance with the Bingo License and Tax Act [230 ILCS 25/1 et seq.];

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law [20 ILCS 1605/1 et seq.];

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph (b)(7), an antique slot machine is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with the Raffles Act [230 ILCS 15/0.01 et seq.];

(9) Charitable games when conducted in accordance with the

Charitable Games Act [230 ILCS 30/1 et seq.];

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act [230 ILCS 20/1 et seq.]; or

(11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act [230 ILCS 10/1 et seq.].

(c) Sentence. Gambling under subsection (a)(1) or (a)(2) of this Section is a Class A misdemeanor. Gambling under any of subsections (a)(3) through (a)(11) of this Section is a Class A misdemeanor. A second or subsequent conviction under any of subsections (a)(3) through (a)(11), is a Class 4 felony. Gambling under subsection (a)(12) of this Section is a Class A misdemeanor. A second or subsequent conviction under subsection (a)(12) is a Class 4 felony.

(d) Circumstantial evidence. In prosecutions under subsection (a)(1) through (a)(12) of this Section circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(Chgd. by P.A. 91-257, §5, eff. 1/1/2000.)

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

VILLAGE OF DOWNERS GROVE

LEGAL DEPARTMENT CORRESPONDENCE

DATE: September 30, 1993
TO: Kurt Bressner, Village Manager
FROM: Daniel P. Blondin, Village Attorney 23
SUBJECT: Request for Casino Nights within the Village of Downers Grove

Attached find a report from Julie Panicali, Staff Attorney, regarding recent requests to conduct "casino nights" within the Village of Downers Grove. As set forth in Ms. Panicali's memorandum, although the State may have issued a permit under the Charitable Games Act, such activities are still prohibited within the Village under local ordinance. Note, however, that activities such as "pull tabs" and "jar games" are not prohibited as the state statutes are slightly different and authorize these activities despite local restrictions. In addition, gambling is prohibited in any form at any establishment holding a liquor license.

The Village Council may be petitioned in the near future by one or more of these organizations to consider amending our ordinance to permit "casino nights" at liquor establishments or at other locations. The purpose of this memorandum is to transmit the report of Ms. Panicali so that the Council may be forewarned regarding these requests.

Feel free to contact me should you have any questions.

DPB:bdw

Attachment

1/wp/mgr/casino-n.ght

VILLAGE OF DOWNERS GROVE
LEGAL DEPARTMENT CORRESPONDENCE

DATE: September 28, 1993
TO: Daniel P. Blondin, Village Attorney
FROM: Julie A. Panicali, Staff Attorney *JAP*
SUBJECT: Gambling

The Village recently had an inquiry from a not-for-profit organization desiring to conduct a "casino night" for charity at Olivers Restaurant in Downers Grove. They were informed by Village staff that a "casino night" is prohibited by Village ordinance. Section 15-13 of the Downers Grove Municipal Code prohibits gambling unless conducted in accordance with the provisions of the Illinois Bingo License and Tax Act or the Illinois Lottery Law. Section 3-33(a) prohibits gambling on the premises of a liquor licensee.

The Village has had previous inquiries regarding "casino nights" and always informs callers that they are prohibited in Downers Grove. This response usually receives objections from the caller especially when the event is for charity. The most recent inquirer did not understand how the Village could prohibit this type of activity when the entity he represents had a charitable games license from the state. As explained to him, the Charitable Games Act allows municipalities to restrict gambling within their jurisdiction even for those that may have a state charitable games license. Specifically, Illinois Compiled Statutes, Chapter 230, Section 30/8(13) states

The conducting of charitable games is subject to the following restrictions:

* * *

(13) Such games are expressly not prohibited by . . . municipal ordinance for charitable games conducted in the municipality and the ordinance is filed with the Department of Revenue

With the recent inquiry, I contacted the Illinois Department of Revenue and found that the only municipality that has filed an ordinance with the Department is Oak Lawn. I immediately filed both of the Downers Grove ordinances on gambling (some form of Section 15-13 has been in existence since before 1925). Subsequently, the Department has contacted me concerning the

three pull tabs and jar games licenses that have been issued by the state to organizations in Downers Grove (American Legion, BFW No. 503, and St. Joseph's Parish).

The Illinois Pull Tabs and Jar Games Act does not have a provision like the Charitable Games Act allowing municipalities to prohibit such gambling. (See 230 ILCS 20/4) For this reason, I do not believe the Village's filing of the ordinances will affect the state licenses issued though pull tab and jar games would fall within the language of the Village ordinance prohibiting gambling. Because municipal ordinances are not referenced in the Pull Tabs and Jar Games Act, there is the argument that the state licensing act supersedes the local law though there is nothing specific in the Act concerning preemption.

The Village may receive some correspondence requesting that the Village consider amending its gambling ordinance to allow gambling in certain instances (for example, pursuant to the Raffles Act at 230 ILCS 15/0.01, the Illinois Pull Tabs and Jar Games at 230 ILCS 20/1, or the Charitable Games Act at 230 ILCS 30/1). I will be glad to look into the matter further should the Village desire to review its gambling restrictions at that time.

The Village needs to respond to the Department of Revenue to advise them as to the affect of our ordinances on the three current pull tab and jar game licenses issued to Downers Grove entities (for example, revoke the current licenses, deny renewal or allow renewal). I suggest that the Department of Revenue continue to issue pull tab and jar game licenses as there is no provision in that Act allowing municipalities to pass an ordinance restricting such games.

Please let me know how you would like to proceed with this matter.

/jpb

2/memos/gambling.dpb

VILLAGE OF DOWNERS GROVE
LEGAL DEPARTMENT CORRESPONDENCE
CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

DATE: April 6, 1994 - Revised April 11, 1994
TO: Daniel P. Blondin, Village Attorney
FROM: Julie A. Panicali, Staff Attorney *Julie*
SUBJECT: Illinois Charitable Games Act

Section 15-13 of the Downers Grove Municipal Code prohibits gambling unless conducted in accordance with the provisions of the Illinois Bingo License and Tax Act, the Illinois Lottery Law, or the Illinois Pull Tabs and Jar Games Act. Section 3-33(a) of the Downers Grove Liquor Control Ordinance prohibits all types of gambling on the premises of a liquor licensee. These provisions prohibit what are commonly referred to as "casino nights" in Downers Grove.

The Village occasionally receives inquiries about "casino nights." On at least one occasion the inquirer did not understand how the Village could prohibit this type of activity when the entity he represented had a charitable games license from the state. As I explained to him, the Charitable Games Act allows municipalities to restrict gambling within their jurisdiction even for those entities that may have a state charitable games license. Specifically, Illinois Compiled Statutes, Chapter 230, Section 30/8(13) states

The conducting of charitable games is subject to the following restrictions:

* * *

(13) Such games are expressly not prohibited by . . . municipal ordinance for charitable games conducted in the municipality and the ordinance is filed with the Department of Revenue

After this inquiry, I contacted the Illinois Department of Revenue and found that the only municipality that has filed an ordinance with the Department is Oak Lawn. The Downers Grove ordinances on gambling were then filed with the Department of Revenue on September 24, 1993 (some form of Section 15-13 has been in existence since before 1925). Once these were filed, it is my understanding that the Department of Revenue will no longer issue Charitable Games licenses to Downers Grove entities desiring to conduct games in Downers Grove.

The Village may want to consider amending its gambling ordinance to allow charitable games conducted in accordance with the Charitable Games Act (230 ILCS 30/1). Attached for your information are copies of the Charitable Games Act (Act), its regulations, and an informational pamphlet from the Department of Revenue. The state issues charitable game licenses only to nonprofit entities that have been in existence in Illinois for at least five years. The license allows four one-day events per year. All proceeds from the event must be used for the entity's nonprofit goals and purposes.

The nonprofit organizations are taxed on the gross proceeds of the event (3%). A portion of the fees and taxes collected are distributed by the state to the municipality where the event occurred. These tax proceeds are to be used for law enforcement purposes. In 1993, the Village received a check for \$249.26 for our share of the charitable game license fee and taxes from the one Downers Grove charity issued a license that year (presumably this licensed was issued prior to the Village filing its gambling ordinance with the Department of Revenue last year).

The state law provides very extensive regulations for the conduct of charitable games. Only certain types of games are allowed and actual money cannot be gambled (rather chips are purchased and then cashed in at the end of the evening). The maximum bet is \$10.00 and the maximum amount of cash that can be won is \$250.00, though the value of the noncash prizes are not limited. Only persons 18 years of age or older can participate in the charitable games.

Also under the Act, a providers' license is required for a person or entity, other than the charitable games license holder, that provides the premises for conducting a charitable game. A suppliers' license is required for a person or entity who sells, leases, lends or distributes any supplies, devices and other equipment designed for use at charitable games.

If the Village exempted charitable games conducted in accordance with the state law from the prohibition on gambling in Section 15-13, organizers of charitable games conducted without a state license, or in violation of state regulations, could be cited for gambling in violation of Section 15-13 or the state law. A draft ordinance exempting charitable games from Section 15-13 is attached. Please note that the ordinance prohibiting gambling on the premises of liquor licensees would not be amended. Therefore, no charitable games could be conducted at the business establishment of a liquor licensee (the same is true for bingo and pull tabs and jar games).

Please let me know if you have any questions concerning this matter or need any additional information.

2/memos/gambling.3

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE PROVISIONS
OF THE DOWNERS GROVE MUNICIPAL CODE
PROHIBITING GAMBLING WITHIN THE VILLAGE**

BE IT ORDAINED by the Council of the Village of Downers Grove,
in DuPage County, Illinois, as follows:

SECTION 1. That Section 15-13 of the Downers Grove Municipal
Code is hereby amended as follows:

15-13. Gambling.

(a) No person shall, upon any premises or within any building
within the village occupied or controlled by him, set up, keep,
maintain or operate or permit to be set up, kept, maintained or
operated any card game or instrument, device or thing for the
purpose of gambling or with which money or property, or anything
representing money or property or anything of value shall in any
manner be lost or won; provided, however, that the game commonly
known as "bingo", when conducted in accordance with the provisions
of the Illinois Bingo License and Tax Act,¹ pull tab and jar games
when conducted in accordance with the provisions of the Illinois
Pull Tabs and Jar Games Act,² ~~charitable games when conducted in
accordance with the Illinois Charitable Games Act³~~, and lotteries
when conducted by the State of Illinois in accordance with the
Illinois Lottery Law, shall be permitted and shall not be construed
as a violation of this section.

(b) No person shall participate in the activities defined as
gambling in subsection (a). (R.O. 1925, § 411; Ord. No. 301, § 1;
Ord. No. 2121, § 1; Ord. No. 2812, § 3; Ord. No. 2877, § 1.)

NOTE: For state law as to gambling, see Ill. Comp. Stat., ch. 720, §§ 5/28-1 to
5/28-9. As to authority of village to suppress gambling, see Ill. Rev.
Stat., ch. 24, § 11-501. (Repealed)

¹Ill. Comp. Stat., ch. 230, §§ 25/1 et seq.

²Ill. Comp. Stat., ch. 230, §§ 20/1 et seq.

³Ill. Comp. Stat., ch. 230, §§ 30/1 et seq.

SECTION 2. That all ordinances or parts of ordinances in
conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

[gambling.2]



Illinois Department of Revenue

101 West Jefferson Street
Springfield, Illinois 62794

Handwritten signature

September 20, 1993

Downers Grove Village Treasurer
801 Burlington Avenue
Downers Grove IL 60515

Dear Downers Grove Village Treasurer:

You will soon be receiving a check for \$ 249.26. This amount is your share of the Charitable Games license fees and tax that is set aside for local law enforcement.

Under the Charitable Games Act, any organization which holds a Charitable Games event must obtain an annual license at a cost of \$200, and also pay a three percent (3%) tax on gross proceeds. Local Governments receive one-third of the total fees and tax.

The local government portion is distributed in the form of grants to counties and municipalities for law enforcement purposes in relation to the games. Your share of the one-third portion is based on the number of Charitable Games licenses issued in your area during the last fiscal year.

Our records show that your local charities received 1 license(s). Therefore, the State Comptroller has been authorized to issue a check to you for the aforementioned amount. If you have any questions, you may call or write to:

Illinois Department of Revenue
Revenue Accounting Division
101 West Jefferson Street, Level 2NW
Springfield, IL 62794
Telephone: 217 785-9373

Very truly yours,

Raymond T. Wagner Jr.
Director of Revenue

By: Jim Crickard, Manager
Revenue Accounting Division



Civic Center • Downers Grove, Illinois 60515-4776 • (708) 964-0300

June 6, 1994

Illinois Department of Revenue
Office of Bingo & Charitable Games
Attn: Linda
101 West Jefferson Street
Springfield, IL 61794

Re: Amendment to the Downers Grove Ordinance Which Prohibits
Gambling in the Village

Dear Linda:

On September 24, 1994, the Village of Downers Grove filed two ordinances with the Illinois Department of Revenue which prohibit gambling within the Village. Specifically, Section 3-33(a) of the Downers Grove Municipal Code prohibits all forms of gambling on the premises of a liquor licensee, and Section 15-13 prohibits gambling within the Village unless conducted in accordance with the provisions of the Illinois Bingo License and Tax Act or the Illinois Lottery Law. Then on April 18, 1994, Ordinance No. 3644 was filed with the Department. That ordinance amended Section 15-13 to also exempt from the provision prohibiting gambling any pull tabs and jar games conducted in accordance with state law.

The Village has recently again amended Section 15-13 this time to exempt from its provisions charitable games conducted in accordance with the Illinois Charitable Games Act (Ordinance No. 3651). A certified copy of the ordinance is enclosed for filing with your Department. A second copy is also included for you to file stamp and return in the enclosed self-addressed stamped envelope.

The passage of Ordinance No. 3651 means that your Department can now issue charitable game licenses for games to be conducted within the Village. However, please note that Section 3-33(a) has not been amended such that all types of gambling, including bingo, pull tabs and jar games, and charitable games, are prohibited on the premises of a liquor licensee even if otherwise

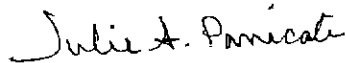
Illinois Department of Revenue
June 6, 1994
Page Two

the games are in compliance with state law. A copy of that section is enclosed for your information.

If you have any questions, please do not hesitate to contact me.

Sincerely,

VILLAGE OF DOWNERS GROVE



Julie A. Panicali
Staff Attorney

/jlp

cc: Daniel P. Blondin, Village Attorney
Barbara Waldner, Village Clerk

Enclosures

ORDINANCE NO. 3651

**AN ORDINANCE AMENDING THE PROVISIONS
OF THE DOWNERS GROVE MUNICIPAL CODE
PROHIBITING GAMBLING WITHIN THE VILLAGE**

BE IT ORDAINED by the Council of the Village of Downers Grove,
in DuPage County, Illinois, as follows:

SECTION 1. That Section 15-13 of the Downers Grove Municipal
Code is hereby amended as follows:

15-13. Gambling.

(a) No person shall, upon any premises or within any building
within the village occupied or controlled by him, set up, keep,
maintain or operate or permit to be set up, kept, maintained or
operated any card game or instrument, device or thing for the
purpose of gambling or with which money or property, or anything
representing money or property or anything of value shall in any
manner be lost or won; provided, however, that the game commonly
known as "bingo", when conducted in accordance with the provisions
of the Illinois Bingo License and Tax Act,¹ pull tab and jar games
when conducted in accordance with the provisions of the Illinois
Pull Tabs and Jar Games Act², charitable games when conducted in
accordance with the Illinois Charitable Games Act³, and lotteries
when conducted by the State of Illinois in accordance with the
Illinois Lottery Law, shall be permitted and shall not be construed
as a violation of this section.

(b) No person shall participate in the activities defined as
gambling in subsection (a). (R.O. 1925, § 411; Ord. No. 301, § 1;
Ord. No. 2121, § 1; Ord. No. 2812, § 3; Ord. No. 2877, § 1.)

NOTE: For state law as to gambling, see Ill. Comp. Stat., ch. 720, §§ 5/28-1 to
5/28-9. As to authority of village to suppress gambling, see Ill. Rev.
Stat., ch. 24, § 11-501. (Repealed)

¹Ill. Comp. Stat., ch. 230, §§ 25/1 et seq.
²Ill. Comp. Stat., ch. 230, §§ 20/1 et seq.
³Ill. Comp. Stat., ch. 230, §§ 30/1 et seq.
⁴Ill. Comp. Stat., ch. 230 §§ 15/.01 et seq.

SECTION 2. That all ordinances or parts of ordinances in
conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Cathy M. Cheener
Mayor

Passed: May 23, 1994

Published: May 24, 1994

Attest: *Barbara Walden*
Village Clerk

STATE OF ILLINOIS

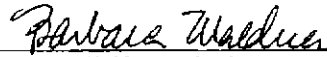
COUNTY OF DU PAGE

C E R T I F I C A T E

I, Barbara Waldner, DO HEREBY CERTIFY THAT I am the Village Clerk of the Village of Downers Grove, Du Page County, Illinois, and as such officer I have the lawful power and duty to keep an index and record of all proceedings of the Village Council of said Village, and of all ordinances and resolutions presented to or passed by said Village Council.

I DO HEREBY FURTHER CERTIFY, THAT the foregoing document is a true, correct and complete copy of a certain ordinance now on file in my office, designated as Ordinance No. 3651 and that said ordinance was duly passed and approved by the Council of said Village at a meeting duly called and held in accordance with applicable law, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Downers Grove, Illinois, in the State and County aforesaid, dated this 6th day of June, 1994.



Village Clerk

SEAL

Class "E-1", Class "E-2", Class "F", or Class "H" license for premises in which a restaurant, club, hotel or recreational facility is operated, to sell or offer for sale any alcoholic liquor at any time when the regular food service in such licensed premises is not in actual operation, except that such sales may be made during a one-hour period immediately following the close of regular food service operations in such premises, subject to the provisions of paragraph (a) of this section 3-31. (Ord. No. 2450, § 2; Ord. No. 2735, § 1; Ord. No. 3050, § 6; Ord. No. 3075, § 1.)

3-32. Restrictions on club licenses.

It shall be unlawful for any licensee holding a Class "C" license to sell or offer for sale any alcoholic liquor for any event which is open to the general public, except as follows:

(1) An event open to the public which is for the benefit of a not-for-profit or charitable organization and which is sponsored by a member of the club shall be permitted.

(2) An event open to the public which is not for the benefit of a not-for-profit or charitable organization or which is not sponsored by a member of the club may be held as a special event, subject to the restrictions of section 3-38 of this chapter. (Ord. No. 2586, § 1; Ord. No. 2735, § 1.)

3-32.1. Restrictions on licenses for recreational facilities.

(a) It shall be unlawful for any licensee holding a Class "B-1" license for a recreational facility to permit any direct access from the outside of the premises to the area of the premises in which service of food and alcohol is provided. All access to such area shall be through the area of the premises in which the recreational portion of the business is located.

(b) In addition to the requirements of section 3-31(a) of this chapter concerning hours during which sale of alcoholic liquor is prohibited, it shall be unlawful for any licensee holding a Class "B-1" license for a recreational facility to sell or offer for sale at retail, any alcoholic liquor on such premises at any time when the regular and complete

business of the recreational facility is not staffed, in actual operation, and open to the public for business, except that such sales may be made during a one-hour period immediately following the close of regular recreational facility operations in such premises. (Ord. No. 3064, § 2.)

3-33. Prohibited activities on licensed premises.

(a) Gambling. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

(b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress.

(c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct; or books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral

copulation, flagellation or any sexual acts which are prohibited by law.

(2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.

(3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.

(d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions. (Ord. No. 2489, § 1; Ord. No. 2735, § 1.)

(Ord. No. 3572, Amended, 06/21/93)

3-33.1. Limitations on the sale and promotion of alcoholic liquor on licensed premises.

(a) It shall be unlawful for any licensee, or any employee or agent of any licensee, on licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon, to engage in any of the following practices:

(1) Delivery of two or more drinks to any one person at one time, except sale or delivery of wine by the bottle or carafe;

(2) Sale, offer for sale, or delivery to any person of an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

(3) Sale, offer for sale, or delivery of drinks to any person or group of persons on any one day at prices less than those charged the general public on that entire day, except at private functions not open to the public;

(4) Increasing the volume of alcoholic liquor contained in a drink without a proportionate increase in the price charged for such drink as compared to prices during the same calendar week;

(5) Encouraging or permitting on the licensed premises any game or contest which

involves drinking or the awarding of drinks as prizes.

(b) No licensee shall advertise or promote in any way, whether within or outside of the licensed premises, any of the practices prohibited under this section.

(c) Nothing contained in this section shall prohibit a licensee from engaging in any of the following practices:

(1) Offering free food or entertainment at any time;

(2) Offering a drink as part of a meal or hotel services package;

(3) Offering free wine tastings;

(4) Offering room service to registered guests in hotels licensed for such service.

(5) Selling pitchers (or the equivalent, including but not limited to buckets), carafes or bottles or alcoholic liquor which are customarily sold in such manner, and which are delivered to two or more persons at one time. (Ord. No. 3089, § 1; Ord. No. 3290, § 1.)

3-33.2. Liquor product identification signs.

It is the expressed policy of the Village that, except as otherwise expressly provided herein, the sale of alcoholic liquor for consumption on premises within the Village shall be limited to restaurants, with liquor sales as incidental to the operation of any such establishment as a restaurant. To that end liquor product identification signs shall not be permitted as an interior or exterior window sign, or as any form of exterior sign, whether free standing, roof mounted, wall mounted or otherwise, at any premises holding a class B-1 beer and wine license, a class B-3 beer and wine license, a class D-1 restaurant license, a class D-2 restaurant license, a class D-3 restaurant license, a class E-1 transition license, a class E-2 transition license, or a class F hotel license.

(Ord. No. 3596, Enacted, 10/25/93)

3-33.3. License limited to single business.

All licenses issued pursuant to this Chapter 3 shall be limited to a single business establishment. No licensee shall operate,

VILLAGE OF DOWNERS GROVE
LEGAL DEPARTMENT CORRESPONDENCE

DATE: January 18, 1994
TO: Mayor and Village Council
FROM: Daniel P. Blondin, Village Attorney *DB*
SUBJECT: Requested Draft Referendum Regarding Gambling
Activities within the Village

Recently, Mayor Betty Cheever received communications from a Mr. William White, Acting Council Director, United Methodist Church, Chicago, Illinois. Mr. White requested that the Village Council consider placing an advisory referendum on the ballot to consider whether the Village should require additional referenda in the event any gambling activity is proposed for the Village. (Copy of proposed resolution and cover letter is attached.) The Mayor requested that I review this material and provide information regarding existing Village ordinances as well as the legal and practical impacts of such a referendum.

Currently the Village ordinances address gambling activity in a number of areas. Specifically, Section 3-33 of the Downers Grove Municipal Code prohibits gambling within a business establishment holding a Downers Grove liquor license. In addition, Section 8-51 prohibits any gambling in an establishment holding a Downers Grove amusement device license. Next, Section 15-13 of the Downers Grove Municipal Code generally prohibits gambling within the corporate limits except as permitted by state statutes for such activities as bingo and the lottery. Finally, Section 22-21 of the Downers Grove Municipal Code provides for mandatory revocation of a taxicab license if the driver directs any person to a house of gambling.

In addition to the foregoing provisions of the Downers Grove Municipal Code, the Downers Grove Zoning Ordinance prohibits the location of off-track betting parlors within any zoning district of the Village. Finally, the Village has adopted a resolution (Resolution 89-8) which generally expresses the policy of the Village Council to prohibit off-track betting establishments within the corporate limits.

I believe that the Village Council has the authority to place advisory referenda on the ballot. However, considerations such as cost, local concerns and the desires of the Village Council should all be addressed before such an advisory referendum is sought. Specifically, such referenda are normally pursued only

when there is a substantial interest and division within the community regarding an important matter of public concern. It is to be remembered, that the Village Council retains the primary and ultimate responsibility for adopting the laws and regulations within the corporate limits. Even if an advisory referendum was held, it would be up to the Village Council regarding what, if any, legislative actions would follow. The cost of such an advisory referendum should also be considered.

As proposed, Mr. White is requesting that the Village Council consider a referendum to present the following question to the voters of the Village of Downers Grove:

Should the citizens be given the right to vote by municipal referendum prior to the introduction or expansion of gambling within this municipality, including gambling riverboats, gambling lake boats, betting parlors, slot machines, video lottery terminals and casinos?

Because this would be only an advisory referendum, any implementation would still require a Village Council ordinance. Any such ordinance would be subject to further revisions and repeal at any time by a subsequent Village Council. Put another way, the current Village Council could not bind future Councils to mandate additional referenda whenever the issue of gambling was considered.

Although the concerns of citizen input are certainly legitimate, citizens do not normally vote directly on laws and ordinances. Rather representatives are elected who will represent the views of the constituents. Put another way, refusing to hold an advisory referendum does not necessarily deny citizens an opportunity to express their opinions on important issues. Rather, those expressions are taken in the form of electing representatives who agree with and will advance positions of the citizen/voter.

After you have had a chance to review this information, I am available to answer any related questions.

DPB:bdw

cc: Kurt Bressner, Village Manager

Attachment

1/wp/mayor/gambling.ord

KB



THE UNITED METHODIST CHURCH

SUITE 850 / 8765 W. HIGGINS ROAD / CHICAGO, ILLINOIS 60631 / PHONE 312-380-5060 / FAX 312-380-5067

NORTHERN ILLINOIS CONFERENCE

December 28, 1993

RECEIVED

14 1994

The Honorable Mayor Betty Cheever ✓
801 Burlington
Downers Grove, IL 60515

VILLAGE OF DOWNERS GROVE
MANAGER'S OFFICE

Dear Mayor Cheever:

I hope you found the material on Home Rule helpful in your decision to make possible a non-binding referendum on gambling in Downers Grove. I really believe it would be helpful and most proper to allow the people to vote on this issue. If they vote approval, so be it. It is most difficult in a democratic process when the people do not have an opportunity to express their will.

If I may be of any further assistance in getting this referendum on the ballot, please do not hesitate to call (312) 380-5060, ext. 233. Many of us feel very strongly that the people of Downers Grove should have an avenue to express their will on this issue.

Most cordially,

William D. White
Acting Council Director

WDW:bn

RESOLUTION OF MEMBERS/TRUSTEES CONSTITUTING THE
GOVERNING BOARD OF THE MUNICIPALITY OF _____,
A HOME-RULE UNIT OF ILLINOIS LOCAL GOVERNMENT,
CONCERNING SUBMISSION OF A PUBLIC POLICY ADVISORY
REFERENDUM TO THE VOTERS OF THAT MUNICIPALITY ON THE
NEXT REGULARLY SCHEDULED ELECTION BALLOT NOW
SCHEDULED TO BE CONDUCTED ON MARCH 15, 1994

WHEREAS, the Governing Board of said municipality has been asked by a number of its citizens to consider submission of a public policy advisory referendum as specifically set forth below, on the question of whether any new Introductions or Expansions of existing state-sanctioned methods of gambling heretofore authorized by legislative action should proceed without prior opportunity for voting citizens of the municipality of _____ to express their opinions whether any such initiation, enlargement or proliferation of state authorized gambling should occur within the boundaries of the municipality without their approving vote; and

WHEREAS, it is deemed by this Governing Board to be in the best public interests to survey the opinion of citizens of the municipality by submitting such advisory question to the voters resident in the municipality at the regularly scheduled election now to be held on March 15, 1994.

NOW, THEREFORE, be it resolved by vote of the Governing Board of the municipality of _____:

SECTION 1. It is the determination of said Governing Board and acting pursuant to its home-rule authority, that the following question of public policy shall be submitted to the voters of this municipality as an advisory public policy referendum question at the next scheduled election set for March 15, 1994, to wit:

"Should citizens be given the right to vote by municipal referendum prior to the introduction or expansion of gambling within this municipality, including gambling riverboats, gambling lakeboats, betting parlors, slot machines, video lottery terminals, and casinos?"

SECTION 2. Said advisory referendum shall be conducted, in all respects, in accordance with the provisions of the Illinois Election Code pertaining to the methods of initiating the submission of the public policy advisory questions, providing the pertinent publications, ballots, polling places, and election judges relating to such election, and a suitable description shall be submitted as to the proper precincts of the municipality and the electors entitled by reason of their residency to vote on such advisory question.

SECTION 3. This ordinance shall be in full force and effect upon its passage.
