

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATION


I. LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, Resolutions and Ordinances of the Village of Burnham and of the Village President and Board of Trustees of the Village of Burnham (the "Corporate Authorities") and that attached is a full, true, and correct copy of Ordinance No. 2022-O-005 now on file in my office entitled:

ORDINANCE NO. 2022-O-005
AN ORDINANCE PERTAINING TO THE REGULATION OF VIDEO GAMING AND VIDEO GAMING CAFÉ AMENDING CHAPTER 6-ALCOHOLIC BEVERAGES; SECTION 6-94, CLASSIFICATIONS; HOURS AND FEES AND SECTION 6-99-NUMBER OF LICENSES AND SECTION 6-95-RESTRICTIONS OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY, STATE OF ILLINOIS

I further certify that said Ordinance No. 2022-O-005 was duly passed on roll call vote by the Board of Trustees of the Village of Burnham, Cook County, Illinois, on the 13th day of December, 2022 and approved by the Village President (Mayor) on the 13th day of December, 2022, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have hereunto set my hand as Village Clerk of the Village of Burnham and have hereunto affixed the seal of said Village of Burnham this 13th day of December, 2022.



Lus E. Chavez
Village Clerk

(SEAL)

**THE VILLAGE OF BURNHAM
COOK COUNTY, ILLINOIS**

VIDEO GAMING AND VIDEO GAMING CAFÉ

ORDINANCE NO. 2022 – O – 005

**AN ORDINANCE PERTAINING TO THE REGULATION OF VIDEO GAMING AND VIDEO
GAMING CAFÉ AMENDING CHAPTER 6-ALCOHOLIC BEVERAGES; SECTION 6-94,
CLASSIFICATIONS; HOURS AND FEES AND SECTION 6-99-NUMBER OF LICENSES AND
SECTION 6-95-RESTRICTIONS OF THE CODE OF ORDINANCES, VILLAGE OF
BURNHAM, COOK COUNTY, STATE OF ILLINOIS**

WHEREAS, the Village of Burnham was organized as a municipal corporation on February 8, 1907, by court order under the Cities, Villages, and Towns Act of the Illinois Revised Statutes in Cook County, Illinois; and

WHEREAS, the Village of Burnham, Cook County, Illinois, has elected by referendum on March 11, 1980, to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

WHEREAS, the Village of Burnham, Cook County, Illinois, is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Illinois Video Gaming Act (“VGA”), 230 ILCS 40/1, *et seq.*, regulates the operation, licensing, and administration of video gaming; and

WHEREAS, Section 27 of the Video Gaming Act authorizes the Village of Burnham to prohibit video gaming within the corporate limits of the Village of Burnham and implied within such authorization is the authority to limit, license and regulate video gaming within the corporate limits of the Village of Burnham; and

WHEREAS, the Village of Burnham is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require; and

WHEREAS, the corporate authorities of the Village of Burnham have determined that it is advisable, necessary and in the best interest of the Village of Burnham to regulate, consistent with the Video Gaming Act, the location and operation of video gaming cafés within the Village of Burnham; and

WHEREAS, video gaming cafés are commercial enterprises with unique qualities which differentiate them from other permitted uses and, as such, require the imposition of certain specific regulations and requirements intended to promote the public health, safety, comfort, morals and convenience by ensuring that such uses are compatible with neighboring property; and

WHEREAS, video gaming cafés are regulated by the Illinois Gaming Board and must comply with all regulations provided in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.), and as the Act may be subsequently amended from time-to-time, as well as the regulations promulgated thereunder; and

NOW THEREFORE BE IT ORDAINED, by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

Section 1. INCORPORATION OF PREAMBLES

The Corporate Authorities of the Village hereby find that all the recitals contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section.

Section 2. APPLICABILITY OF PROVISIONS

The provisions of this chapter, except as otherwise provided, shall apply to all previously existing or allowed in the future video gaming establishments and video gaming terminals as hereinafter defined, whether specifically licensed or regulated under other provisions of this code or other ordinances, or not.

Section 3. That, Section 6-8, Closing Hours, Subsection (A) is hereby amended to read as follows:

- A. It shall be unlawful for the holder of any class C (Bona-fide non-profit club) license and Class A-R-E License (Alcohol, Restaurant and Entertainment License) to sell or offer for sale at retail any alcoholic liquor after the hour of 2:00 a.m. and before the hour of 8:00 a.m. on any day.

Section 4. That Section 6-94 Classifications, Hours and Fees of the Code of Ordinances of the Village of Burnham, is hereby amended to read as follows by adding the following classifications, definitions, requirements, regulations and fees.

19) Class V-G-E License. - (A video gaming establishment) license is a supplemental video gaming license that authorizes and permits video gaming at an establishment that is licensed by the Village of Burnham to sell alcoholic liquor that is drawn, poured, mixed, or otherwise served for consumption on the premises, to operate video gaming terminals and only when also licensed by the Illinois Gaming Board pursuant to the Video Gaming Act, 230 ILCS 40/1 et. seq. as amended.

1. Video Gaming. Definitions, Licenses, Requirements, Regulations and Fees.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- a.) **Video gaming establishment** means any licensed business located within the Village of Burnham that has each and every one of the following licenses:
- 1.) A valid liquor license issued by the Village of Burnham and defined in Section 6-94 of Village of Burnham Code of Ordinances;
 - 2.) A valid “licensed establishment” license issued by the Illinois Gaming Board pursuant to the Video Gaming Act 230 ILCS 40/1 et seq; and
 - 3.) A video gaming license issued by the Village of Burnham.
- 4.) **Video gaming terminal** means any electronic video game machine that, upon insertion of cash, electronic cards, vouchers, or any combination thereof is available to play or simulate the play of a video game, including but not limited to, video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.
- 5.) **Terminal operator** means an individual, partnership, corporation, or limited liability company that has been issued a terminal operator’s license by the Illinois Gaming Board pursuant to the Video Gaming Act, 230 ILCS 40/1, et seq. for the purpose of owning, servicing, and maintaining video game terminals for placement in a video gaming establishment.
- 6.) **Veterans’ establishments** shall have the same definition as set forth in the Video Gaming Act, 230 ILCS 40/1, et seq. for “licensed veterans’ establishment.”

2. VIDEO GAMING LICENSE/PERMIT REQUIRED

- a.) No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal, as defined herein, at any premises within the Village of Burnham without first having obtained a video gaming license from the Village of Burnham. The license provided for in this Article shall permit a licensee to operate video gaming terminals at the specified establishment. **This applies to all existing and future video gaming terminals located within the Village of Burnham.**
- b.) No applicant, including any person, either as owner, lessee, manager, officer or agent, shall be eligible for a video gaming license from the Village of Burnham, nor shall an existing license holder be entitled to maintain a video gaming license, unless each of the following requirements are met and continue to be met:
- 1.) The applicant holds the appropriate certificate or license from the State of Illinois permitting video gaming and is in good standing with same;
 - 2.) The applicant is not in arrears in any tax, fee, bill, or fine due to the Village of Burnham, Cook County, or State of Illinois;

- 3.) The applicant has completed and complies with all the application requirements set forth in the Code of Ordinances of the Village of Burnham and in this Article and is not disqualified due to a felony, gambling offense, or crime of moral turpitude; and
- c.) The Mayor shall be the approving authority for all licenses. In the event a licensee or prospective licensee disagrees with any action taken by the Mayor, an appeal may be made directly to the President and Board of Trustees of the Village of Burnham at its next regularly scheduled meeting after written notice of the action from which an appeal is made.

3. LICENSE APPLICATION REQUIREMENTS

The license applicant shall provide the following information to the Village of Burnham on a form provided by the Village of Burnham:

- a.) The legal name of the establishment;
- b.) The business name of the establishment;
- c.) The address of the establishment where the video gaming terminals are to be located;
- d.) The type of establishment, including whether its classification and supporting documentation demonstrates the classification;
- e.) A floor plan, drawn to scale using a computer, detailing the overall layout of the establishment, including the location and count of dining seating, the location and count of video gaming terminals and seating for said terminals, and other significant features of the establishment, including exit locations, restrooms and other equipment. A high-resolution electronic copy of the floor plan as well as a paper printed copy (no smaller than 11 inches by 17 inches) shall be submitted at the time of application; hand-drawn floor plans and floor plans not including a scale will not be accepted;
- f.) The amount of time the establishment has been in business under the ownership of the applicant at the location where video gaming is proposed to take place;
- g.) The business office address of the establishment if different from the address of the establishment;
- h.) In the case of a corporation, limited liability company or trust, the name and address of an agent authorized and designated to accept service on behalf of the licensee;
- i.) A phone number for the establishment;
- j.) An e-mail address for the establishment;
- k.) The name and address of every person owning more than a 5% share of the establishment;

- l.) The name, address, phone number and e-mail address of any terminal operator or distributor proposed to own, service or maintain video gaming terminals at the establishment;
- m.) A copy of the establishment's State of Illinois video gaming license;
- n.) In the case of a corporation, limited liability company or partnership, a copy of the establishment's state certificate of good standing;
- o.) A statement as to the number of video gaming terminals which the establishment proposes to have on its premises (not to exceed six (6) for each establishments);
- p.) A statement that the establishment is not in arrears in any tax, fee or bill due to Village of Burnham, Cook County, or State of Illinois;
- q.) A statement that the establishment agrees to abide by all state and federal laws and any local ordinance;
- r.) A statement that no manager or owner with more than 5% interest in the establishment has ever been convicted of a felony, a gambling offense or a crime of moral turpitude.
- s.) If the application is for a new establishment based on the business model of another existing location, information regarding the existing business location must be provided, including the type of business, the gross receipts as compared to any video gaming revenue for the prior 12-month period, proof of the length of time the existing business has been operational and proof of ownership verifying the applicant's ownership rights;
- t.) For renewal applications, a report or reports showing its gross annual revenue for the previous calendar year by category of revenue generated and showing the percentage of gaming revenue payable to the establishment as compared to the total gross revenues of the establishment.
- u.) Applications shall be processed by the Village of Burnham Clerk on a first come, first served basis. Every application shall be date and time stamped upon filing. An application received in the mail shall be considered filed on the date and time it is opened by the Village of Burnham's Clerk's department.
- v.) Every video gaming license holder shall be required to file a renewal application, which may contain the same or similar information as set forth in Paragraph II. Renewal applications shall be due on or before **December 1st** unless that day falls on a holiday, in which case the application may be received by the Clerk on the following business day.

4. TERMINAL OPERATOR- LICENSES REQUIRED.

- a.) Terminal operator business license: No terminal operator shall operate in any licensed establishment in the Village of Burnham unless such terminal operator has first obtained from the Village of Burnham the proper business license and has paid the **annual business license fee of five hundred dollars and zero cents (\$500.00)**. A separate terminal operator business license is required by the terminal operator for each licensed establishment in

which the terminal operator places or intends to place its video gaming terminals. Applications for such terminal operator business license shall be made in writing to the Village of Burnham Clerk and shall state thereon the location of the licensed establishment and the total number of video gaming terminals intended to be located within the establishment, and further provide a copy of any current license or licenses issued to the applicant by the State of Illinois under the Video Gaming Act, 230 ILCS 40/1 et seq.

- b.) Video gaming terminal license: No terminal operator shall place any video gaming terminal in the Village of Burnham without having first obtained from the Village of Burnham the proper video gaming terminal license for each video gaming terminal located in the Village of Burnham and paid the annual video gaming terminal license fee of **one thousand dollars and zero cents (\$1,000.00) per terminal annually**. Applications for a video gaming terminal license shall be made in writing to the Village of Burnham Clerk and applicant shall further provide a copy of any current license or licenses issued to the applicant by the State of Illinois under the Video Gaming Act 230 ILCS 40/1 et seq.
- c.) Revocation. Any terminal operator business license or video gaming terminal license may be fined, suspended or revoked by the Mayor or his designated hearing officer at any time for any violation of any of the provisions of the Code of Ordinances or any applicable laws, rules or regulations of the State of Illinois relating to the Video Gaming Act, 230 ILCS 40/1 et seq., and such revocation may be in addition to any fine imposed.

5. VIDEO GAMING FEES ESTABLISHED

- a.) Video Gaming Establishment Fee.
The annual license fee for a video game establishment license to locate, maintain, or operate video gaming terminals at its licensed business premises shall be **five hundred dollars and zero cents (\$500.00)**.
- b.) Video Gaming Terminal Fee.
The annual license fee for **each video gaming terminal** on the licensed premises of a video gaming establishment shall be **one thousand dollars (\$1,000.00)**. The Village of Burnham shall use a decal or sticker for each licensed video gaming terminal to the licensed terminal operator that owns or operates the video gaming terminal. This decal or sticker must be affixed to the licensed video gaming terminal in a conspicuous place and must be kept on the device during all times the device is in use. No refunds or partial refunds of annual fees shall be given by the city in the event either the licensed terminal operator or video gaming establishment ceases operating any or all video gaming terminals or in the event a video gaming terminal fails to operate.
- c.) Terminal Operators Business License Fee
The annual license fee for a terminal operator shall be **five hundred dollars (\$500.00)** for each licensed video gaming establishment (location) in which the terminal operator placed, places, or intends to place a video gaming terminal.
- d.) The cost of these fees shall be shared equally between the terminal operator and the applicable licensed video gaming establishment (location).

6. LIMITATIONS.

- a.) Limitation on Number of Video Gaming Licenses:
There shall be no more than six (6) establishments at any one time licensed to operate video gaming terminals in the Village of Burnham at any given time.
- b.) Limitation on Number of Video Gaming Terminals on Premises:
There shall be no more than six (6) video gaming terminals allowed and permits issued therefore under this Section for each licensee at any one location.

7. SEIZURE OF UNAUTHORIZED GAMBLING DEVICES AND FUNDS.

Any gambling device which is not authorized by this Article shall be subject to immediate seizure and confiscation by the **Village of Burnham**. Any money or other thing of value intrinsically related to acts of gambling not authorized by this Article shall be seized and forfeited as contraband. Disposition of such gambling devices and funds seized or confiscated shall be made in accordance with the law.

20) Class V-G-C License – (Video Gaming Café) license shall mean a licensed establishment whose primary or major focus or source of revenue is the operation of video gaming terminals (as defined under the Illinois Video Gaming Act) and that only offers alcoholic beverages, food, or other merchandise as incidental or a secondary amenity to the operation of video gaming. This classification shall authorize the sale at retail of **beer and wine only** to be poured and consumed on/at the established location only. The Video Gaming Café shall not be permitted to operate between the hours of 12:00 a.m. and 12:00 p.m. The days of operation shall not include Christmas Day, Thanksgiving Day, and Sundays and shall be governed by the requirements and regulations contained and set forth within the Village of Burnham's Code of Ordinances. The annual fee for such license shall be **five thousand dollars and zero cents (\$5,000.00) annually** payable in two (2) installments of two-thousand five hundred dollars and zero cents (\$2,500.00) each, January 1st and July 1st of each year.

1. VIDEO GAMING CAFÉS-DEFINITIONS, REQUIREMENTS, REGULATIONS AND FEES.

(a) Purpose and applicability: It is the intent and purpose of this section to provide regulations regarding video gaming cafes. Video gaming cafes are commercial enterprises with unique qualities which differentiate them from other permitted and special uses and, as such, require the imposition of certain specific regulations intended to promote the public health, safety, comfort, morals and convenience by ensuring that such uses are compatible with neighboring property. Additionally, video gaming cafes are uses that are regulated by the Illinois Gaming Board and must comply with all regulations provided in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.), and as the Act may be subsequently amended from time-to-time, as well as the regulations promulgated thereunder.

(b) Submission Requirements: The following items shall be submitted as part of the liquor license application for a video gaming café:

- 1.) An accurately dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses. If the proposed video gaming cafe is to be in a multi-use building, all tenant spaces shall be identified by tenant name, gross square footage of the space, number of employees, and number of commercial vehicles associated with each space.

- 2.) A scaled floor plan of the interior of the facility shall be submitted, showing the location, layout and square footage of all areas, including tables/seating, dining, bars, waiting area, offices, video gaming devices, bathrooms, mechanicals, etc.
- 3.) A security plan for the video gaming cafe that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations. Security arrangements must deter and prevent unauthorized entrance into areas containing video gaming devices, and ensure the safety of employees and customers of the video gaming café, as well as the surrounding area, and include no less than the minimum security measures required by state law. The security plan shall be reviewed and approved by the Mayor, Board of Trustees and the Chief of Police.
- 4.) The proposed plan of operations of the video gaming establishment must demonstrate the intent of the organization to operate in full compliance with the Illinois Video Gaming Act, as applicable.

(c) Applicable Regulations:

- 1.) All Video Gaming Cafés must receive a class V-G-C liquor license from the Village pursuant to 6-94 of the Village Code in order to operate.
- 2.) Size: All Video Gaming Cafés must have a minimum gross square footage of at least 1,200 square feet in size.
- 3.) Refuse Disposal Area: All Video Gaming Café properties shall have or provide a refuse disposal area, which shall be screened on all sides by a solid wood, composite or masonry fence or an equivalent material to a height of not less than six feet (6') but no more than seven feet (7'), as approved by the Building Code Commissioner.
- 4.) Exterior Lighting: Parking lot lighting shall be provided to ensure public safety. All parking lot or exterior lighting shall be inwardly directed so that no direct lighting is cast off-premises.
- 5.) Incidental business activity for Video Gaming Cafés is limited to food and beverage service; **the alcoholic liquor is limited to beer and wine beverage service, to be poured and consumed on the premises.**
- 6.) Off-street Parking and Loading: Parking surfaces shall be in good repair, as determined by the Building Code Commissioner and shall be repaired or resurfaced pursuant to properly issued permits prior to the issuance of any liquor license.

- 7.) Signs: All signs shall conform to the requirements of Section 6-11 of this code for an unobstructed view of the interior of the alcoholic serving area and shall be maintained according to the provisions of the Illinois Liquor Control Law.
- 8.) Exterior Appearance: The exterior appearance of the building shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity. Necessary improvements shall be as determined by the Building Code Commissioner and shall be completed prior to the issuance of any liquor license.
- 9.) Video Gaming Cafés must be separated by a minimum of 1500' feet from the next closest Video Gaming Café, and not more than one Video Gaming Café can operate in the same multi-tenant building. Distance shall be measured in a straight line between the two closest corners of the establishments' closet perimeter walls or corners.
- 10.) All Video Gaming Cafés shall abide by all other applicable State, County and Village regulations.
- 11.) Video Gaming Cafés shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate local, state and national bodies charged with the regulation of video gaming and shall adhere to all governing local, state and national codes and regulations.
- 12.) A maximum of two (2) video gaming cafés may operate within the Village.

2. LICENSE FEES-VIDEO GAMING CAFÉ

The annual fees for a video gaming café license shall be **five-thousand dollars and zero cents (\$5,000.00)** annually, in addition to all other license fees, payable in two installments of two thousand five hundred dollars and zero cents (**\$2,500.00**) each January 1st and July 1st of each year.

21.) Class A-R-E License. This license shall authorize the sale at retail of alcoholic liquor to be poured and consumed on the specified premises, and the operation of a restaurant where the food offered for sale is served for consumption within the confines of the restaurant. The food is to be ordered through and brought to the customer by a waiter or waitress, consumed, and all dishes cleared by the waiter, waitress or staff in preparation for the next customer. Food may be provided for carry out, but this carry-out is not a primary component of the restaurant business. Accessory live entertainment shall be permitted on the licensed premises between the hours of 6:00 p.m. to 12:00 p.m. midnight at which time it must be discontinued. There is absolutely no adult entertainment allowed whatsoever, (such as in a Gentlemen's Club, A Lingerie Show, or Strip-Tease Shows, Male or Female Reviews.) All entertainment shows are to be wholesome and family oriented. This license is designed for the Riverfront Marina located at 14000 Croissant Drive, Burnham, Illinois. The sale or offer for sale at retail of alcoholic liquor shall not be permitted on any day between the hours of 2:00 a.m. and 8:00 a.m. The annual fee for such license shall be five thousand dollars and zero cents (**\$5,000.00**) payable in two installments of two thousand five hundred dollars and zero cents (**\$2,500.00**) each on January 1st and July 1st of each year.

Section 5. THAT, Section 6-99, Subparagraph (A) Number of Licenses, of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

(a) The maximum number of liquor licenses for each of the following classifications is set forth below:

- | | |
|--|-----------|
| 1). Class C Bona Fide Non-Profit Club License - | One (1) |
| 2). Class D Daily License – | Four (4) |
| 3). Class E Retail Sale – | Three (3) |
| 4). Class B-E-L 3:00 a.m. license – | Two (2) |
| 5). Class I Burnham Wood’s license – | One (1) |
| 6.) Class A-R-E Riverfront Marina 14000 Croissant Dr.- | One (1) |
| 7.) Class V-G-C Video Gaming Café- | Two (2) |

Section 6. THAT, Section 6-95 Restrictions of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:

The licenses enumerated in Section 6-94 shall be subject to the following restrictions:

- 1) A Class C or D license shall only authorize the sale of alcohol liquor to be consumed on the premises and shall not authorize the sale of alcoholic liquor in unopened packages or containers to be consumed off the premises.
- 2) A Class E license shall not authorize the sale of any alcoholic liquor to be drawn or poured for consumption on the premises.
- 3) A holder of any license heretofore or hereafter issued under the provisions of this chapter shall at all times allow representatives of the police, fire, building, electrical, license and health departments to inspect the licensed premises.

Section 7. EXCEPTIONS

Nothing in this Article shall be deemed to prohibit or make unlawful the following activities or forms of gambling: the keeping, possession, ownership, use or playing of a video gaming terminal in a licensed establishment, which is licensed by the Board and the Village of Burnham to conduct or allow such specific activities under the Video Gaming Act, 230 ILCS 40/1, *et seq.*

Section 8. SEIZURE OF UNAUTHORIZED GAMBLING DEVICES AND FUNDS

Any gambling device which is not authorized by this Article shall be subject to immediate seizure and confiscation by the **Village of Burnham**. Any money or other thing of value intrinsically related to acts of gambling not authorized by this Article shall be seized and forfeited as contraband. Disposition of such gambling devices and funds seized or confiscated shall be made in accordance with the law.

Section 9. REPEAL OF CONFLICTING PROVISIONS

All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 10. SEVERABILITY.

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

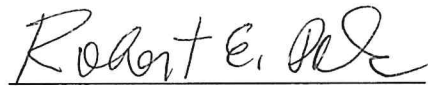
Section 11. EFFECTIVE DATE.

The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4 and shall take effect on 12:01 a.m. on January 1, 2023.

Section 12. HOME RULE ORDINANCE.

THAT, this Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois, that to the extent that the terms of this Ordinance should be inconsistent with any no-preemptive state law that this Ordinance should supersede state law in that regard within its jurisdiction.

PASSED by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 13th day of December, 2022.



ROBERT E. POLK
Village President (Mayor)

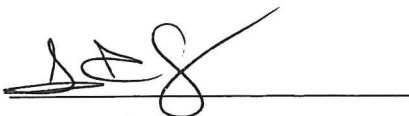
PRESIDENT AND VILLAGE BOARD MEMBERS

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>X</u>	_____	_____	_____
Trustee Jefferey Hodges	<u>X</u>	_____	_____	_____
Trustee Graciela Garcia	_____	<u>X</u>	_____	_____
Trustee Brenda Greer	_____	<u>X</u>	_____	_____
Trustee Carmella Richardson	<u>X</u>	_____	_____	_____
Trustee Travis Claybrooks	<u>X</u>	_____	_____	_____



ROBERT E. POLK
Village President (Mayor)

ATTEST:



LUS E. CHAVEZ, Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, on 13th day of December, 2022.

ATTEST:



LUS E. CHAVEZ, VILLAGE CLERK