
THE VILLAGE OF SHERMAN

SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 2019-04

**AN ORDINANCE MODIFYING THE SUNSET PROVISIONS OF THE VILLAGE CODE
AND LIQUOR CODE ON VIDEO GAMING TO SUNSET AND BE REPEALED
EFFECTIVE JULY 1, 2020, UNLESS RE-AUTHORIZED BY THE CORPORATE
AUTHORITIES OF THE VILLAGE OF SHERMAN**

TREVOR J. CLATFELTER, President
MICHAEL STRATTON, Acting Village Clerk

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

ORDINANCE NO. 2019-04

AN ORDINANCE MODIFYING THE SUNSET PROVISIONS OF THE VILLAGE CODE AND LIQUOR CODE ON VIDEO GAMING TO SUNSET AND BE REPEALED EFFECTIVE JULY 1, 2020, UNLESS RE-AUTHORIZED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF SHERMAN

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

WHEREAS, The Village Board previously approved Ordinance NO. 2012-11 and 2012-12 enacting certain provisions allowing video gaming within the Village of Sherman; and

WHEREAS, the Village Board previously adopted an ordinance establishing sunset provisions of the Village Code provisions allowing video gaming and the Village Liquor Code provisions establishing a Class "VG" license, to sunset and be repealed effective July 1, 2019; and

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

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

WHEREAS, the Corporate Authorities of the Village of Sherman believe it is in best interests of the Village of that the provision of the Village Code and Village Liquor Code on video gaming sunset on July 1, 2020, and thus no longer be in effect, unless such ordinances are specifically re-authorized by the Village Board.

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

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

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

Section 5. Effectiveness. After its passage, this Ordinance shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities and shall thereafter remain effective until July 1, 2020 at which time this Ordinance shall no longer be in effect unless reauthorized by the Village Board of Trustees in a separate re-authorization ordinance.

Section 3. Amendments to Village Liquor Code and Village Code Limiting Effective Video Gaming Provisions. Title IV, Chapter 2, Section 4-2-5 (7), of the Village Liquor Code and Title IV, Chapter 4, Section 4-4-2 of the Village Code shall be amended as follows:

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

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

by the Village. Prior to the Issuance of a Class VG License, an application must be filed with the Liquor Control Commissioner seeking the license, setting forth that any legal and all legal requirements to hold the license are met and the proposed use of video gaming within the licenses establishment, which may be contingent on the issuance of a license from the Illinois Gaming Board and an establishment permit by the Village. The Village reserves the right to revoke a license if video gaming is not active on the premises within 60 days of the application and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days. The application procedures set forth elsewhere within this Chapter shall be applicable to the issuance of a Class "VG" License. The provisions herein and other provisions within this Chapter allowing the use of video gaming and issuance of a Class VG License shall sunset and hereinafter all be repealed and no longer effective on July 1, 2020 unless re-authorized by separate ordinance of the Village Board.

SECTION 4-4-2. VIDEO GAMING-PERMISSIBLE LOCATIONS

Video gaming may be allowed within the Village by the following: (i) licensed establishments holding a Class A, Class A-1 or Class C liquor license issued by the Village in addition to a supplemental Class VG License; (ii) licensed fraternal establishments; (iii) licensed veterans establishments; and (iv) licensed truck stop establishments. No video gaming, however, shall be allowed without the issuance of a permit by the Village, the payment of the permit fees as set forth in Section 4-2-3, and compliance with the Video Gaming Act. Further, the provisions herein and other provisions within this Chapter allowing video gaming within the Village shall sunset and hereinafter be repealed and no longer in effect on July 1, 2020 unless re-authorized by separate ordinance of the Village Board.

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

Section 5. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Sherman prior to the effective date of this ordinance.

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


SO ORDAINED this 21st day of May, 2019 at Sherman, Sangamon County, Illinois.

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

VILLAGE OF SHERMAN


 Trevor J. Clatfelter, President

Attest:


 Michael Stratton, Acting Village Clerk

STATE OF ILLINOIS

COUNTY OF SANGAMON

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Sherman, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true and exact copy of Ordinance Number 2019-04, adopted by the President and Board of Trustees of said Village on the 21st day of May 2019, said Ordinance being entitled:

AN ORDINANCE MODIFYING THE SUNSET PROVISIONS OF THE VILLAGE CODE AND LIQUOR CODE ON VIDEO GAMING TO SUNSET AND BE REPEALED EFFECTIVE JULY 1, 2020, UNLESS RE-AUTHORIZED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF SHERMAN

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I hereunto set my signature and affix the official seal of said Village this 21st Day of May 2019.



Acting Village Clerk