



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019-071
DATE OF PASSAGE OCTOBER 22, 2019

An Ordinance amending Section 29, Article IV, Division 2 of the City Code relating to gambling offenses.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City has traditionally prohibited gambling in the manner and to the extent prohibited by Illinois law; and

WHEREAS, the City Council desires to amend its gambling prohibitions to mirror the current provisions of Article 28 of the Criminal Code of 2012; and

WHEREAS, the proposed changes to Section 29, Article IV, Division 2 of the City Code of the City of Aurora set forth in Exhibit A of this Ordinance will accomplish this objective;


NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Sections 29-27, 29-78, and 29-79 of the City Code of the City of Aurora shall be and hereby are amended as set forth in Exhibit A attached to this Ordinance

ORDINANCE NO. 019-071
DATE OF PASSAGE October 22, 2019


PASSED AND APPROVED ON October 22, 2019

AYES 10 NAYS 0 NOT VOTING 0 ABSENT 2

ATTEST:



City Clerk



Mayor

19-0884

RECOMMENDATION

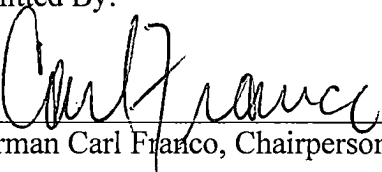
TO: THE COMMITTEE OF THE WHOLE


FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE

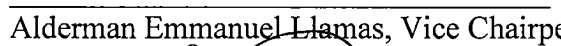
The Rules, Administration and Procedures Committee at the regular scheduled meeting on **Tuesday, October 1, 2019** recommended **APPROVAL** of An Ordinance amending Section 29, Article IV, Division 2 of the City Code relating to gambling offenses.

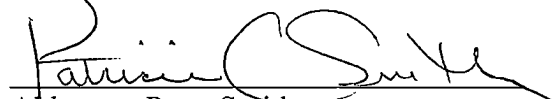
VOTE: 5-0

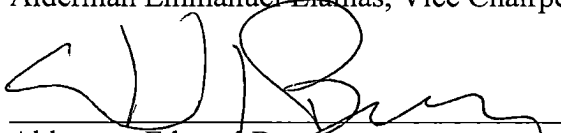
Submitted By:


Alderman Carl Franco, Chairperson


Alderman William Donnell


Alderman Emmanuel Llamas, Vice Chairperson


Alderman Patty Smith


Alderman Edward Bugg

Dated this 1st day of October, 2019

1 DIVISION 2. - GAMBLING

2 Sec. 29-76. - Definitions.

3 The following words, terms and phrases, when used in this
4 division, shall have the meanings ascribed to them in this section,
5 except where the context clearly indicates a different meaning:

6 *Gambling device* means any clock, tape machine, slot machine or
7 other machine or device for the reception of money or other thing
8 of value on chance or skill or upon the action of which money or
9 other thing of value is staked, hazarded, bet, won or lost; or any
10 mechanism, furniture, fixture, equipment or other device designed
11 primarily for use in a gambling place, including any device that
12 awards credits and contains a circuit, meter, or switch capable of
13 removing and recording the removal of credits when the award of
14 credits is dependent upon chance.

15 "Gambling device" does not include:

16 (1) A coin-in-the-slot-operated mechanical device played for
17 amusement which rewards the player with the right to replay
18 such mechanical device, which device is so constructed or
19 devised as to make such result of the operation thereof
20 depend in part upon the skill of the player and which returns
21 to the player thereof no money, property or right to receive
22 money or property.

23 (2) Vending machines by which full and adequate return is made
24 for the money invested and in which there is no element of
25 chance or hazard.

26 (3) Video gaming terminals.

27 *Lottery* means any scheme or procedure whereby one (1) or more
28 prizes are distributed by chance among persons who have paid or
29 promised consideration for a chance to win such prizes, whether
30 such scheme or procedure is called a lottery, raffle, gift, sale
31 or some other name.

1 *Policy game* means any scheme or procedure whereby a person
2 promises or guarantees by any instrument, bill, certificate,
3 writing, token or other device that any particular number,
4 character, ticket or certificate shall in the event of any
5 contingency in the nature of a lottery entitle the purchaser or
6 holder to receive money, property or evidence of debt.

7 *Video gaming terminal* means any licensed electronic video game
8 machine offered for play by licensed establishments operated in
9 accordance with the Video Gaming Act (230 ILCS 40/1, et seq.) and
10 as authorized by the Illinois Gaming Board from time to time.
11 "Video game terminal" does not include amusement devices as defined
12 in chapter 8.

13 (Code 1969, § 29-49; Ord. No. 012-068, § 2, 8-28-12)

14 **State Law reference**— Similar provisions, 720 ILCS 5/28-2.

15 Sec. 29-77. - Gambling prohibited.

16 (a) A person commits gambling, ~~which is a misdemeanor~~, when he
17 knowingly:

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

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

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

25 (4) Contracts to have or give himself or another the option to
26 buy or sell, or contracts to buy or sell, at a future time,
27 any grain or other commodity whatsoever, or any stock or
28 security of any company, where it is at the time of making
29 such contract intended by both parties thereto that the
30 contract to buy or sell, or the option, whenever exercised,
31 or the contract resulting therefrom, shall be settled, not
32 by the receipt or delivery of such property, but by the

1 payment only of differences in prices thereof; however, the
2 issuance, purchase, sale, exercise, endorsement or
3 guarantee, by or through a person registered with the
4 secretary of state pursuant to section 8 of the Illinois
5 Securities Law of 1953 [815 ILCS 5/8], or by or through a
6 person exempt from such registration under section 8, of a
7 put, call or other option to buy or sell securities which
8 have been registered with the secretary of state or which
9 are exempt from such registration under section 3 of the
10 Illinois Securities Law of 1953 [815 ILCS 5/3] is not
11 gambling within the meaning of this paragraph;

- 12 (5) Owns Knowingly owns or possesses any book, bank, instrument
13 or apparatus by means of which bets or wagers have been, or
14 are, recorded or registered, or knowingly possesses any
15 money which he has received in the course of a bet or wager;
- 16 (6) Sells pools upon the result of any game or contest of skill
17 or chance, political nomination, appointment or election;
- 18 (7) Sets up or promotes any lottery or sells, offers to sell
19 or transfers any ticket or share for any lottery;
- 20 (8) Sets up or promotes any policy game or sells, offers to
21 sell or knowingly possesses or transfers any policy ticket,
22 slip, record, document or other similar device;
- 23 (9) Advertises ~~Knowingly advertises~~ any lottery or policy game
24 or drafts, prints or publishes any lottery ticket or share,
25 or any policy ticket, slip, record, document or similar
26 device, or any advertisement of any lottery or policy game;
- 27 (10) Drafts ~~Knowingly drafts,~~ prints or publishes any lottery
28 ticket or share, or any policy ticket, slip, record, document
29 or similar device, except for such activity related to
30 lotteries, bingo games and raffles authorized by and
31 conducted in accordance with the laws of Illinois or any
32 other state or foreign government;

1 (11) ~~Transmits~~ ~~Knowingly~~ ~~transmits~~ information as to wagers,
2 betting odds or changes in betting odds by telephone,
3 telegraph, radio, semaphore or similar means; or knowingly
4 installs or maintains equipment for the transmission or
5 receipt of such information; except that nothing in this
6 subsection prohibits transmission or receipt of such
7 information for use in news reporting of sporting events or
8 contests.

9 (12) Establishes, maintains, or operates an Internet site
10 that permits a person to play a game of chance or skill for
11 money or other thing of value by means of the Internet or to
12 make a wager upon the result of any game, contest, political
13 nomination, appointment, or election by means of the
14 Internet. This item (12) does not apply to activities
15 referenced in items (6) and (6.1) of subsection (b) of this
16 Section.

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

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

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

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

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

1 manufacture, distribution, or possession of video gaming
2 terminals, as defined in the Video Gaming Act, by
3 manufacturers, distributors, and terminal operators licensed
4 to do so under the Video Gaming Act.

5 (5) The game commonly known as "bingo," when conducted in
6 accordance with the Bingo License and Tax Act [230 ILCS
7 25/1];

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

10 (6.1) The purchase of lottery tickets through the Internet for
11 a lottery conducted by the State of Illinois under the program
12 established in Section 7.12 of the Illinois Lottery Law.

13 (7) Possession of an antique slot machine that is neither used
14 nor intended to be used in the operation or promotion of any
15 unlawful gambling activity or enterprise. For the purpose of
16 this paragraph an antique slot machine is one manufactured
17 twenty-five (25) years ago or earlier;

18 (8) Raffles and poker runs when conducted in accordance with
19 the Raffles and Poker Runs Act ~~an act to provide for~~
20 ~~licensing and regulating certain games of chance, approved~~
21 ~~August 5, 1980, as amended~~ [230 ILCS 15/1 et seq.];

22 (9) Charitable games when conducted in accordance with the
23 Charitable Games Act [230 ILCS 30/1].

24 (10) Gambling games when conducted in accordance with the
25 Illinois Riverboat ~~Gambling~~ Act [230 ILCS 10/1 et seq.].

26 (11) Video gaming when offered for play by licensed
27 establishments operated in accordance with the Video Gaming
28 Act (230 ILCS 40/1, et seq.) and as authorized by the
29 Illinois Gaming Board from time to time.

30 (12) Games of skill or chance where money or other things of
31 value can be won but no payment or purchase is required to
32 participate.

1 (13) Pull tabs and jar games when conducted under the Illinois
2 Pull Tabs and Jar Games Act.

3 (14) Sports wagering as defined by the Sports Wagering Act
4 [230 ILCS 45/ et. seq.], but only in the manner and to the
5 extent authorized by Section 25-25 of such Act and the rules
6 of the Illinois Gaming Board and the Illinois Department of
7 the Lottery.

8 (14) Any other activity specified under subsection (b) of
9 Section 28-1 of the Criminal Code of 2012 [720 ILCS 5/28-1]
10 for which a person could not be convicted of gambling under
11 state law.

12 (c) In prosecutions under this section, circumstantial evidence
13 shall have the same validity and weight as in any criminal
14 prosecution.

15 (d) A person who commits the offense of gambling as defined in
16 this section is guilty of a Misdemeanor IV.

17 (Code 1969, §§ 29-50, 29-52; Ord. No. 091-49, § 1, 7-2-91; Ord.
18 No. 012-068, § 2, 8-28-12)

19 **State Law reference—** Similar provisions, 720 ILCS 5/28-1.

20 Sec. 29-78. - Gambling places.

21 A "gambling place" is any real estate, vehicle, boat or any
22 other property whatsoever used for the purposes of gambling, other
23 than gambling conducted in the manner and to the extent authorized
24 by any provision of Illinois law and the rules duly adopted
25 pursuant to such law ~~the Riverboat Gambling Act, or by the Video~~
26 ~~Gaming Act.~~ Any person who knowingly permits any premises or
27 property owned or occupied by him or under his control to be used
28 as a gambling place shall be guilty of a Misdemeanor IV
29 misdemeanor. When any premises is determined by a court having
30 jurisdiction to be a gambling place:

31 (1) Such premises is a public nuisance and may be proceeded
32 against as such;

1 (2) All licenses, permits or certificates issued by the state
2 or any subdivision or public agency thereof authorizing the
3 serving of food or liquor on such premises shall be void;
4 and no license, permit or certificate so cancelled shall be
5 reissued for such premises for a period of sixty (60) days
6 thereafter; nor shall any person convicted of keeping a
7 gambling place be reissued such license for one (1) year
8 from his conviction and, after a second conviction of keeping
9 a gambling place, any such person shall not be reissued such
10 license;

11 (3) Such premises of any person who knowingly permits thereon
12 a violation of any provisions of this division shall be held
13 liable for and may be sold to pay any unsatisfied judgment
14 that may be recovered and any unsatisfied fine that may be
15 levied under any provisions of this division.

16 (Code 1969, § 29-53; Ord. No. 012-068, § 2, 8-28-12)

17 **State Law reference**— Similar provisions, 720 ILCS 5/28-3.

18 Sec. 29-79. - Forfeiture of gambling devices.

19 Gambling devices shall be forfeited to the city under the
20 conditions specified in and in the manner provided by section 28-
21 5 of the Criminal Code of ~~2012-1961~~ as now or hereafter amended
22 [720 ILCS 5/28-5].

23 (Code 1969, § 29-54)

24 Secs. 29-80-29-90. - Reserved.