

VILLAGE OF SWANSEA, ILLINOIS

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ORDINANCE NO. 1977

AN ORDINANCE AMENDING CHAPTER 114 OF THE SWANSEA MUNICIPAL CODE  
REGARDING CLASSIFICATIONS FOR CLASS B VIDEO GAMING

ADOPTED BY THE BOARD OF THE TRUSTEES  
OF THE  
VILLAGE OF SWANSEA

THIS 4<sup>th</sup> DAY OF November 2024.

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Published in pamphlet form by authority of the Board of Trustees of the Village of Swansea, St.  
Clair County, Illinois, this 5<sup>th</sup> Day of November, 2024.

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VILLAGE OF SWANSEA

ORDINANCE NO. 1977

AN ORDINANCE AMENDING CHAPTER 114 OF THE SWANSEA MUNICIPAL CODE REGARDING CLASS B VIDEO GAMING

*WHEREAS*, the Village of Swansea has adopted an ordinance permitting the issuance of video gaming licenses within the municipal boundaries; and

*WHEREAS*, the Board of Trustees desires to amend the Swansea Municipal Code by revising the Class B Video Gaming license and amending the Swansea Code of Ordinances in Section 114.03.

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SWANSEA, ILLINOIS:**

**SECTION 1:** The Board of Trustees of the Village of Swansea hereby adopts the recitals in the preamble of this Ordinance as its findings of facts.

**SECTION 2:** The Swansea Municipal Code shall be and hereby is amended with the new Swansea Video Gaming Code, starting with Section 114.03, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**SECTION 4:** This ordinance shall be in full force and effect, following its passage, approval and publication in pamphlet form as provided by law.

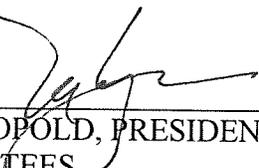
Passed this 4th day of November, 2024 by the Board of Trustees of the Village of Swansea, St. Clair County, Illinois

Tyler M. Thompson By Stephanie Ruffelt  
TYLER THOMPSON, VILLAGE CLERK Deputy Clerk

LANTER aye LEWIS aye MCDONALD aye THOUVENOT aye  
NEUMEYER aye PARKER aye

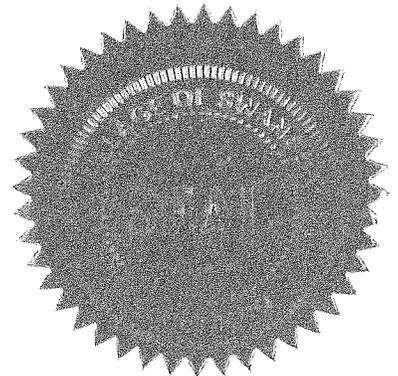
Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 4th day of November 2024.

Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 4th day of November, 2024.

  
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MICHAEL W. LEOPOLD, PRESIDENT  
BOARD OF TRUSTEES

Attest:

Tyler M. Thompson By: Stephanie Ruppert  
TYLER M. THOMPSON, VILLAGE CLERK Deputy Clerk



STATE OF ILLINOIS}  
COUNTY OF ST. CLAIR}

**CERTIFICATION**

I, Tyler M. Thompson, do hereby certify that I am the duly appointed Clerk in and for the Village of Swansea, Illinois.

I further certify that on November 4<sup>th</sup>, 2024 the Corporate Authorities of the Village of Swansea passed and approved Ordinance No. 1977 entitled:

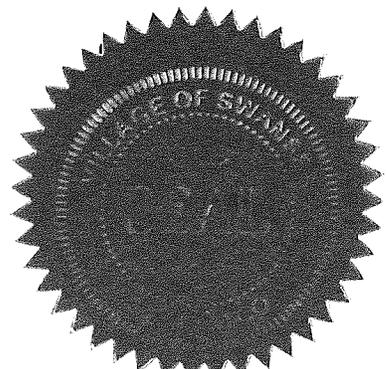
**AN ORDINANCE AMENDING CHAPTER 114 OF THE SWANSEA MUNICIPAL CODE REGARDING CLASSIFICATIONS FOR CLASS B VIDEO GAMING**

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The pamphlet form of Ordinance No. 1977, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the municipal building, commencing on November 5<sup>th</sup>, 2024 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at SWANSEA, Illinois, this 5<sup>th</sup> day of November, 2024.

Tyler M. Thompson By: Stephanie Ruffitt  
Tyler M. Thompson, Village Clerk      deputy clerk  
Village of Swansea, Illinois



STATE OF ILLINOIS }  
COUNTY OF ST. CLAIR }

AFFIDAVIT

I, Stefanie Proffitt, an employee of the Village of Swansea, St. Clair County, Illinois, do solemnly affirm that:

**AN ORDINANCE AMENDING CHAPTER 114 OF THE SWANSEA MUNICIPAL CODE  
REGARDING CLASSIFICATIONS FOR CLASS B VIDEO GAMING**

was posted at the Swansea Government Center, 1444 Boul Avenue, Swansea, Illinois, commencing on

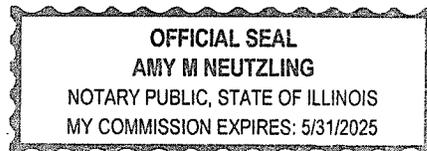
November 5<sup>th</sup>, 2024, at 10:30 o'clock AM.

Stefanie Proffitt  
Written Signature

Subscribed and sworn before me on this 5<sup>th</sup> day of November 2024.

Amy Neutzling  
Notary Public

(Notary Seal)



## CHAPTER 114: GAMES OF CHANCE

### Section

114.01 Definitions

114.02 Raffles

114.03 Video gaming

### § 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**NON-PROFIT.** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation thereof.

**RAFFLE.** A form of lottery (as defined in 720 ILCS 5/28-2(b)) conducted by an organization licensed under the code whereby:

(1) A player pays or agrees to pay something of value for a chance, represented and differentiated by a number or a combination of numbers designating the winning chance; and

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery; except that, the winning chance shall not be determined by the outcome of a publicly held sporting contest.

(Prior Code, § 10-101)

### § 114.02 RAFFLES.

(A) Licenses and applications.

(1) No organization shall operate a raffle in the village without first complying with any and all regulations of this chapter and obtaining a license therefor.

(a) Licenses shall be issued in the same manner and by the same authority as provided for in accordance with 230 ILCS 15/3.

(b) Where the provisions of this chapter or of 230 ILCS 15/1 et seq. requires supplemental information, limitations or otherwise conflict with the Business Code requirements, then the express provisions of this chapter and 230 ILCS shall control over the general requirements of the Business Code.

(2) Licenses shall be issued only to bonafide religious, charitable, labor, business, fraternal, educational or veterans' organizations (as those terms are defined in 230 ILCS 15/2(b) that operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license and which have had during that entire five-year period a bonafide membership engaged in carrying out their objectives.

(3) The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization. Said application should also include a Form 99 financial statement or other proof of tax exempt status.

(Prior Code, § 10-102)

(B) Limitations.

(1) The retail value of all prizes or merchandise awarded in a single raffle shall not exceed \$200,000.

(2) The retail value of each prize in a single raffle shall not exceed \$200,000.

(3) The maximum price that may be charged for each raffle chance issued or sold shall not exceed \$100.

(4) The maximum number of days during which chances may be issued or sold shall not exceed 365 days (May 1 through April 30). No more than 50 raffles can be conducted during the license period.

(Prior Code, § 10-103)

(C) Conduct of raffles. The conducting of raffles is subject to the following restrictions.

(1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) No person, except a bonafide member of the sponsoring organization, may participate in the management or operation of the raffle.

(3) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this act.

(5) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(6) A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian.

(Prior Code, § 10-104)

(D) Raffle Managers and bonds. All operations of and the conduct of raffles within the village shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the village in favor of the organization conditioned upon his or her honesty in the performance of his or her duties. Terms of the bond shall provide that notice shall be given in writing to the village not less than 30 days prior to its cancellation. The Village Board of Trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this chapter; provided that, a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

(Prior Code, § 10-105)

(E) Records.

(1) Each organization shall keep records of its gross receipts, expenses and net proceeds for each single occasion at which winning chances are determined. All deductions from gross receipts for each single occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(2) Each organization shall have separate records of each raffle conducted. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles on behalf of such organization shall not be the same person who accounts for other revenues of the organization.

(3) Each organization licensed to conduct raffles shall report monthly to its membership and to the village its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized. This report shall be submitted to the Village Clerk's office promptly after the conclusion of each raffle.

(Prior Code, § 10-106)

(F) Ineligibility. The following are ineligible for any license under this chapter:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or who has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any firm or corporation in which a person defined as listed in divisions (A), (B) or (C) above has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- (5) Any organization in which a person defined in divisions (A), (B) or (C) above is an officer, director or employee, whether compensated or not; or

(6) Any organization in which a person defined in divisions (A), (B) or (C) above is to participate in the management or operation of a raffle as defined in this act.

(Prior Code, § 10-107)

(G) Filing fee. An annual fee of \$25 must be paid when applying for a raffle license.

(Prior Code, § 10-108)

(H) Violation. Violation of this section shall constitute a petty offense.

(Prior Code, § 10-109)

Penalty, see § 10.99

#### § 114.03 VIDEO GAMING.

(A) Permit. Any establishment within the village which is licensed to serve alcoholic liquor and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a video gaming permit from the village, for each video gaming terminal located at such establishment. Maximum number of video gaming terminals at such establishment is the lesser or six or the maximum number allowable by state law.

(B) Filing fee.

(1) There is hereby established a \$250 annual fee for the operation of each video gaming terminal located in the village pursuant to the provisions of the Illinois Video Gaming Act (230 ILCS 40).

(2) The annual video gaming terminal fee, as established hereby, shall be paid to the village on or before the initial date of terminal operation, and for terminals then in operation, on, or before, April 30 of each year thereafter. The annual video gaming terminal fee shall not be prorated for periods of less than 12 months.

(C) Classification. Such permits shall be and are hereby divided into four classes.

(1) Class A permits shall authorize the placement of video gaming terminals in establishments where estimated net revenue of at least 60% derives from a combination of the sale of food prepared on site, and the sale of alcoholic liquor consumed on premises. There shall be no more than four Class A licenses issued.

(2) Class B permits shall authorize the placement of video gaming terminals in establishments with a convenience store, that sells at retail a where a minimum of 10,000 gallons of fuel per month or at least 75% of net revenue derives from retail sales. There shall be no more than five Class B licenses issued.

(3) (a) Class C permits shall authorize the placement of video gaming terminals in establishments with a primary purpose of video gaming, with considerations for determination include but are not limited to:

1. A seating area for video gaming terminals greater than the seating area for food and beverage service or merchandise sales;
  2. The absence of a full service kitchen;
  3. An estimated net revenue of at least 60% derives from video gaming terminals;
- and
4. An overall gross square footage not to exceed 1,500 square feet.

(b) There shall be no more than nine Class C licenses issued. No Class C establishment shall be located within 1,000 feet of another Class C establishment, or within 1,000 feet of any car title loan or payday loan establishment. Determination of distance between said establishments shall be from the nearest entrance for each establishment.

(4) Class D permits shall authorize the placement of video gaming terminals in fraternal establishments having a fraternal purpose where membership is based upon a common tie or the pursuit of a common object. There shall be no more than three Class D licenses issued.

(5) (a) Class E permits shall authorize the placement of video gaming terminals in self-service laundry facilities with the following stipulations:

1. Video gaming hours of operation shall not exceed self-service laundry hours of operation.
  - a. Hours of operation shall not exceed 6:00 a.m. to 12:00 a.m.
2. An attendant shall be present during all hours of operation.
3. Self-service laundry operations shall include a minimum of 20 clothes washing and drying machines.
4. Shall self-service laundry operations cease, video gaming operations shall not be permitted to continue.

(b) There shall be no more than two Class E licenses issued.

(6) (a) Class F permits shall authorize the placement of video gaming terminals in tobacco shops with the following stipulations:

1. a. Video gaming hours of operation shall not exceed tobacco shop hours of operation.
  - b. Hours of operation shall not exceed 6:00 a.m. to 12:00 a.m.
2. An attendant shall be present during all hours of operation.

3. Tobacco shops shall derive 75% of net revenue from the sale of products subject to 35 ILCS 143 (The Illinois Tobacco Products Tax Act).

4. Shall tobacco shop operations cease, video gaming operations shall not be permitted to continue.

(b) There shall be no more than two Class F licenses issued.

(Ord. 1836, passed 8-20-2018; Ord. 1866, passed 9-16-2019; Ord. 1867, passed 9-16-2019; Ord. 1890, passed 9-21-2020; Ord. 1909, passed 9-7-2021; Ord. 1918, passed 3-21-2022; Ord. 1920, passed 4-4-2022; Ord. 1961, passed 4-15-2024)