

## CHAPTER 136

### GAMBLING OFFENSES

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### **GENERAL PROVISIONS**

#### **§ 136.01 GAMBLING PROHIBITED**

- (A) Each and every sale or purchase, wherein any part of the articles or things received, or to be received, either as to quantity or value, shall in any manner depend upon any chance or hazard, whether by means of checks, cards, envelopes, numbers, dice, or by any means whatsoever, is declared to be gaming within the meaning of the provisions of this chapter, and as such shall be unlawful.
- (B) No person shall deal, play, or engage in faro, roulette, or gambling for money or any other valuable thing, or any other device or game, or chance, hazard, or skill, either as bookmaker, dealer, keeper, player, or otherwise, for the purpose of gaming or gambling for money or other valuable thing.

Penalty, see § 136.99

#### **§ 136.02 PLACES KEPT FOR GAMBLING**

- (A) Every house, room, yard, boat, vessel, or other structure or premises kept or used for the purpose of permitting persons to gamble for any valuable thing is declared to be a common nuisance.
- (B) No person shall own, keep, maintain, manage, or conduct or shall be interested in owning, keeping, maintaining, managing, or conducting any such place.  
Penalty, see § 136.99

#### **§ 136.03 POSSESSION OF GAMBLING DEVICES**

No person shall bring into the city or have in his possession, for the purpose of gaming or gambling for money or other valuable thing, any table or other device of any kind or character whatsoever, whereon or with which money or any other valuable thing may in any manner be played or gambled for.

Penalty, see § 136.99

#### **§ 136.04 GAMBLING HOUSES; PATRONIZING OR VISITING**

No person shall patronize, visit, frequent, or be connected with the management or operation, nor act as the doorkeeper, solicitor, runner, agent, abettor or pimp of any house, room, yard, boat, vessel or other structure, place, or premises kept within the city for the purpose of permitting persons to game or gamble for any valuable thing.

Penalty, see. § 136.99

#### **§ 136.05 GAMBLING IN STREETS**

No person shall expose any table, wheel, or device of any kind whatsoever intended, calculated, or designed to be used for gaming or gambling or for playing any game of chance or hazard in, upon, or along any of the streets or other public places of the city.

Penalty, see § 136.99

#### **§ 136.06 SEIZURE OF GAMBLING DEVICES; OBSTRUCTION OR RESISTANCE**

- (A) It is made the duty of every member of the Police Department to seize any table, wheel, instrument, device, or thing used for the purpose of gaming or gambling for money or other valuable thing; all such tables, instruments, devices, or things when seized shall be destroyed.
- (B) No person shall obstruct or resist any member of the Police Department in the performance of any act authorized in this section.  
Penalty, see § 136.99

**§ 136.07 LOTTERY TICKETS AND CHANCES**

No person shall keep an office, room, or place for the sale or other disposition of lottery tickets; nor shall any person in the city vend, sell, or otherwise dispose of any lottery tickets; nor shall any person in the city sell or dispose of, in any manner whatsoever, any tickets, figures, numbers, or characters for any prize-gift, present, gift-distribution, chance, or for anything of like name or nature, where money or other property is directly or indirectly pledged, paid, or to be pledged or where numbers, figures, characters, gifts, prizes, presents, or donations are to be drawn, disposed of, or received by any person in any manner whatsoever.

Penalty, see § 136.99

**§ 136.08 POLICY GAMES**

- (A) No person shall keep, occupy, or use, or permit to be kept, occupied, or used, a place, building, room, establishment, table, or apparatus for policy playing or for the purchase, sale, exchange, or redemption of what are commonly called policy tickets.
- (B) No person shall deliver or receive money or other valuable consideration in playing policy or in aiding in the playing thereof, or for policy tickets, or for any writing, paper, or document in the nature of a bet, wager, or insurance upon the drawing or drawn numbers of any policy game, whether such drawing be real or imaginary.
- (C) No person, except a public officer, shall have in his possession, custody, or control, any writing, paper, or document representing or being a record of any chance, share, or interest in numbers sold, drawn, or to be drawn, in what is commonly called policy, or in the nature of a bet, wager, or insurance upon the drawing or drawn numbers of any public or private policy game, whether such drawing be real or imaginary.
- (D) No person, other than a public officer, shall have in his possession, custody, or control any paper, print, writing, numbers, device, policy slip, policy sheet, or article of any kind such as is commonly used in carrying on, promoting, or playing the game commonly called policy.
- (E) No person shall sell, offer for sale, vend, barter, exchange, give away, deal in, or in any way dispose of or redeem any ticket, order, slip, or device of any kind for or representing any number of shares or any interest in any policy or scheme of chance of any kind or description by whatsoever name, style, or title the same may be denominated or known, and whether located or to be drawn, paid, or carried on within or without the limits of the city, or whether this purported drawing be real or imaginary.

- (F) No person shall either publicly or privately, as owner or agent, establish, open, set on foot, carry on, promote, make, draw, or act as backer or vendor for or on account of any policy or scheme or chance of any kind or description, by whatsoever name, style, or title the same may be denominated or known, whether located or to be drawn, paid, or carried on within or without the limits of the city, and whether such drawings be real or imaginary; and no person shall be in any way concerned in any such policy or scheme of chance as aforesaid.
- (G) No person who is the owner, lessor, lessee, agent, superintendent, janitor, or caretaker of any place, building, or room shall permit policy playing or the barter, sale, exchange, or redemption of what are commonly called policy tickets or slips, or the sale of any chances in alleged drawings in policies to be carried on in such place, building, or room, whether such drawings be real or imaginary.
- (H) No person shall patronize, frequent, or be found in any place, building, room, or establishment kept, occupied, or used for policy playing for policy or lottery drawings, or for the sale of what are commonly called policy tickets or slips, or in which are kept any papers, prints, writings, numbers, devices, policy slips, policy tickets, policy sheets, or articles of any kind, such as is commonly used in carrying on, promoting or playing the game or scheme commonly called policy.
- (I) No person shall write, print, publish, circulate, or distribute in any way on account of any policy or scheme of chance of any kind or description by whatsoever name, style, or title the same may be denominated or known; and no person shall write, print, publish, circulate, or distribute any book, pamphlet, circular, or sheet of paper whatsoever containing or purporting to contain information concerning any policy or scheme of chance, or where the same is to be or has been drawn, or the prices therein on any of them, or the price of a ticket, or where any such ticket may be or has been obtained, or in any way give publicly to any such policy or scheme of chance, whether the drawings therein referred to be real or imaginary.
- (J) No person shall aid, assist, or abet in any manner, or be a party to any of the offenses, acts or matters specified in this section.

Penalty, see § 136.99

### **§ 136.09 TAPE OR SLOT MACHINES**

No person shall keep, own, operate, use, or cause to be kept, operated, or used, in any room, inn, tavern, shed, booth, building, enclosure, or upon any premises, or any part thereof, any clock, joker, tape, or slot machine or other device of any kind or nature whatsoever upon, in, or by, or through which money is staked or hazarded or into which money is staked or hazarded or into

which money is paid or played upon chance, or upon the result of the action of such clock, joker, tape, or slot machine or other device, money or other valuable thing is staked, bet, hazarded, won, or lost. Each and every day on which any person shall operate, keep, own or have in his charge, possession, or control any such clock, joker, tape, or slot machine or other device in violation of the provisions of this section shall be deemed a separate and distinct offense.

Penalty, see § 136.99

### **§ 136.10 EXEMPTIONS**

Nothing in this chapter shall be construed to prohibit participation in any lottery sponsored by this state or another state or any political subdivision thereof, or in any bingo game licensed by the state.

## ***BETTING***

### **§ 136.20 BETTING UPON HORSE RACES**

All betting, wagering, speculating, pool-selling, or bookmaking upon any horse race, or the result thereof, and all gambling and every game of any chance of any nature whatsoever, within or upon any and all race tracks and race courses, or in any building within any race track or race course within the city is prohibited.

Penalty, see § 136.99

### **§ 136.21 KEEPING, OCCUPYING PREMISES FOR TAKING OR RECORDING, BETS**

- (A) Any person who keeps, occupies, or controls any room, shed, tenement, tent, booth, building, or other structure, or any part thereof, or who occupies any place anywhere within the city, with any book, instrument, or device for the purpose of taking, recording, or registering bets or wagers or of selling pools; or any person who takes, records, or registers bets or wagers or sells pools upon the result or alleged result of any actual, supposed, alleged, or fictitious trial or test of skill, speed, or power of endurance of man or beast, or upon the result or alleged result of any actual, supposed, alleged, or fictitious political nomination, appointment, or election; or who, being the owner, lessee, or occupant of any room, shed, tenement, tent, booth, or building or other structure, or part thereof, knowingly permits the same to be used or occupied for any purpose, or therein keeps, exhibits, or employs any device or apparatus for the purpose of taking, recording, or registering such bets or wagers or selling such pools, or becomes the custodian or depository for hire or reward of any money, property or things of value, staked, wagered, or pledged upon any such result or alleged result, shall be fined as provided in § 10.99.

- (B) In prosecutions under this section, proof of the taking, recording, or registering of such bet or wager, pool-selling, as is herein prohibited, shall be prima facie evidence of the violation of this section, and proof shall not be required that there was any actual, supposed, alleged, or fictitious trial or test of skill, speed, or power of endurance of man or beast, or that there was any actual, supposed, alleged, or fictitious political nomination, appointment, or election, to which such bet, wager, or pool-selling may appertain.

Penalty, see § 136.99

### **§ 136.22 INDUCING PERSONS TO BET**

No person shall perform or play any tricks of sleight-of-hand or anything of like nature with cards, dice, balls, thimbles, figures, numbers or characters, or with any dishonest or fraudulent instrument, apparatus, or thing, where persons are induced to bet, loan, deposit, or stake money or other property upon the result of such tricks, or the turning or placing of any such instrument or apparatus, or of any figure, letter, number, or character attached to, or played upon any instrument or apparatus.

Penalty, see § 136.99

### **§ 136.23 ADVERTISING OF BETS PROHIBITED**

- (A) No person shall insert or cause to be inserted, or print or publish or cause to be printed or published in any newspaper or other publication printed, published, or circulated in the city, any notice, advertisement, or mention giving or purporting to give information of where or with whom bets or wagers may be made or placed, or where or by whom pools are sold, upon the result of any trial or test of skill, speed, or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election.
- (B) No person shall display or exhibit or distribute or cause to be distributed any circular, blank, handbill, pamphlet, or other thing containing any notice, advertisement, or mention giving or purporting to give information where or with whom pools are sold upon the result of any trial or test of skill, speed, or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election.

Penalty, see § 136.99

## ***LICENSED VIDEO GAMING***

### **§ 136.50 LICENSED VIDEO GAMING**

- (A) Licensed Video Gaming Exemption. The prohibitions of this Chapter 136 and any other chapter or section of the City Code that may reference or govern gambling or gaming

shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker and is being operated by a licensed establishment or licensed truck stop establishment that has a valid City video gaming establishment license and is in full compliance with § 136.50.

(B) Definitions.

- (1) "Licensed establishment": any establishment that is both licensed to sell liquor at retail in the City under a Class A license pursuant to Chapter 112 of the City Code and licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises.
- (2) "Licensed truck stop establishment": a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel island for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.
- (3) "Video gaming terminal": any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, 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.
- (4) "Video gaming terminal operator": any individual, partnership, corporation, or limited liability company that is licensed under this Chapter 136 and that owns, services, and maintains video gaming terminals for placement in licenses establishments.

(C) Video Gaming Establishment and Terminal Operator License.

- (1) In order for a licensed establishment or a licensed truck stop establishment to operate, host, or provide for use a video gaming terminal, the licensed establishment or licensed truck stop establishment is required to obtain an annual video gaming establishment license from the City by submitting a written application, on a form provided by the City, to the Mayor or the party designated

by him/her. The burden is upon each applying licensed establishment or licensed truck stop establishment to demonstrate its suitability for licensure. All video gaming establishment licenses issued by the City shall expire April 30, next, after date of issue, with an annual license fee of \$500.00 payable in full at the time the application is filed with the City. A license shall be purely a personal privilege, good for a time period not to exceed one (1) year after issuance, unless sooner revoked as provided by law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered.

- (2) In order for a video gaming terminal operator to lease, deliver, maintain, or otherwise provide for usage any video gaming terminals to a licensed establishment or licensed truck stop establishment in the City, the video gaming terminal operator is required to obtain for each serviced location, an annual video gaming terminal operator license from the City by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. The burden is upon each applying terminal operator to demonstrate its suitability for licensure. All video gaming terminal operator licenses issued by the City shall expire April 30, next, after date of issue, with an annual license fee of \$500.00 payable in full at the time the application is filed with the City. A license shall be purely a personal privilege, good for a time period not to exceed one (1) year after issuance, unless sooner revoked as provided by law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered under this article.

(D) Video Gaming Terminal Establishment and Terminal Operator Permit Sticker.

- (1) In order for a video gaming terminal to be operated at a licensed establishment or licensed truck stop establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the City for each video gaming terminal located on its premises by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. Each video gaming terminal permit sticker issued by the City shall expire April 30, next, after date of issue, with an annual fee of \$300.00 per video gaming terminal payable in full at the time the application is filed with the City.
- (2) In order for a video gaming terminal to be operated at a licensed establishment or licensed truck stop establishment, the licensed video game terminal operator is required to obtain an annual video gaming terminal operator permit sticker from the City for each video gaming terminal leased, delivered, or otherwise provided



for usage within the City by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. Each video gaming terminal operator permit sticker issued by the City shall expire April 30, next, after date of issue, with an annual fee of \$300.00 per video gaming terminal payable in full at the time the application is filed with the City.

- (3) In the event that a video gaming terminal currently licensed within the City is replaced, the Mayor or the party designated by him/her may, after verification of the destruction of the original, in-force video gaming terminal permit sticker or video gaming operator terminal permit sticker, issue a replacement sticker upon payment of not more than \$10.00 per video gaming terminal.
- (E) Regulations Governing Licensed Establishments and Licensed Truck Stop Establishments Operating Video Gaming Terminals. The following regulations apply to all licensed establishments and licensed truck stop establishments operating a video gaming terminal on its premises with a valid gaming establishment license and valid video gaming terminal permit stickers for each of its video gaming terminals:
- (1) A valid City video gaming establishment license must be clearly displayed at all times.
  - (2) A valid City video gaming terminal permit sticker and video gaming terminal operator permit sticker shall be clearly displayed at all times on each video gaming terminal.
  - (3) No more than six (6) video gaming terminals may be located on the licensed establishment's or licensed truck stop establishment's premises.
  - (4) Other than having up to six (6) video gaming terminals with valid video gaming terminal permit stickers, a licensed establishment or licensed truck stop establishment is prohibited from having, anywhere on its premises, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device under Chapter 136 of the City Code, even if solely for amusement purposes.
  - (5) All video gaming terminals must be located in an area ("gaming area") restricted to persons twenty-one (21) years of age or older. The entrance to such area must, at all times, be within the view of at least one (1) employee who is at least twenty-one (21) years of age.

- (6) No licensed establishment or licensed truck stop establishment may cause or permit any person under the age of twenty-one (21) years to use, play or operate a video gaming terminal.
  - (7) No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment or for the package sale of alcoholic liquor at a licensed truck stop establishment pursuant to Chapter 112 of the City Code.
  - (8) The licensed establishment, licensed truck stop establishment, and terminal operator must fully comply with the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
  - (9) The licensed establishment, licensed truck stop establishment, and terminal operator must fully comply with Chapter 112 of the City Code and all other provisions of the City Code as well as federal and Illinois law and regulations.
- (F) **Inspection of Premises.** Every licensed establishment and licensed truck stop establishment where a video gaming terminal is kept shall be subject to inspection by the Chief of Police or his/her authorized agents, at any time, to ensure compliance with the City Code. This includes licensed establishments and licensed truck stop establishments applying for a video gaming establishment license and/or video gaming terminal permit sticker. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the Chief of Police or his/her respective agents in the course of an inspection.
- (G) **Revocation/Suspension of License and Permit Sticker.** The City's Public Safety Committee may revoke or suspend any video gaming establishment license, video gaming terminal operator license, video gaming terminal operator permit sticker and any video gaming terminal permit sticker issued by the City if it determines that the licensed establishment, licensed truck stop establishment, or terminal operator has violated any of the provisions of this Chapter 136. No license shall be so revoked or suspended, except after a public hearing before the Public Safety Committee, with a three (3) day written notice to the licensed establishment, licensed truck stop establishment, or terminal operator affording the licensed establishment, licensed truck stop establishment, or terminal operator an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment or licensed truck stop establishment that has its liquor license revoked or suspended by the City under § 112.31 of the City Code or by the Illinois State Liquor Commission, or has its video gaming license revoked or suspended by the Illinois Gaming Board, shall automatically, without a hearing before the Public Safety Committee, have its City video gaming establishment license and all City video gaming

terminal permit stickers revoked or suspended for the same time frame as its liquor and/or Illinois Gaming Board gaming license is suspended, whichever the case may be.

- (H) Seizure of Unlawful Video Gaming Terminals. Every video gaming terminal that does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device subject to seizure under § 136.06, and shall be turned over to the Illinois Gaming Board, in accordance with Board regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.
- (I) Monetary Penalty. Whoever violates any provision of § 136.50 shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) for a first offense in any twelve (12) month period, and a fine of not less than Seven Hundred Fifty Dollars (\$750.00) for a second offense and each subsequent offense in a twelve (12) month period. This penalty may be enforced by issuance of a "Notice of Violation" for the fine amount, or by issuance of a "Notice to Appear." Each day any violation continues shall constitute a separate offense. This monetary penalty shall be in addition to any and all other remedies which may be available to the City under Chapter 136 or any other provision of the City Code, or federal or Illinois law.

(Ord. 2995, passed 7-2-12, Am. Ord. 3020, passed 2-18-13; Am. Ord. 3247, passed 10-2-17; Am. Ord. 3317, passed 4-15-19; Am. Ord. 3341, passed 9-3-19; Am. Ord. 3386, passed 6-1-20; Am. Ord 3430, passed 4-19-21)

#### **§ 136.51 REQUIREMENTS FOR VIDEO GAMING ESTABLISHMENT LICENSE AND TERMINAL PERMIT STICKERS**

Subject to the limitations and restrictions set forth in this chapter, and all other lawful limitations and restrictions, the Mayor of the city, or anyone designated by him may, from time to time, grant a Video Gaming Establishment License and Terminal Permit Sticker(s) to any licensed establishment or licensed truck stop establishment within the city, subject to the following requirements;

- (A) For a new licensed establishment applicant, each of the two years prior to applying for a license to operate video gaming terminals, the applicant's establishment in which the applicant is seeking approval to operate video gaming terminals must show it has generated at least 80 percent of its revenue from the sale of food or beverages;
- (B) For an applicant who has been previously issued a licensed establishment license under this article, the applicant's establishment must show at a minimum, 60 percent of total revenue annually from the sale of food or beverages;

- (C) Each licensed establishment applicant must provide the city with a report or reports showing its gross annual sales totals and categories, including food and beverage sales. Any applicant who shall not include this report or reports shall be ineligible for a Video Gaming Establishment license;
- (D) Each applicant's licensed establishment or licensed truck stop establishment must maintain customer seating outside the gaming area but within the premises at a rate of 10 seats for each permitted video gaming terminal and for each square foot of floor space in the gaming area, the licensed establishment or licensed truck stop establishment must maintain 5 square feet of general use customer-accessible area outside the gaming area;
- (E) Each licensed truck stop establishment applicant, must provide the city with an estimated future sales or past sales average of at least 10,000 gallons of diesel or biodiesel fuel per month. Any applicant who shall not include this report or reports shall be ineligible for a Video Gaming Establishment license. Upon issuance of a licensed truck stop establishment license, the establishment must submit monthly diesel fuels sales reports to the City;
- (F) There shall be no more than eleven (11) Video Gaming Establishment Licenses in the City in force at any one time;
- (G) There shall be no more than fifty-seven (57) Video Gaming Terminal Permit Stickers in the City in force at any one time;
- (H) The licensed establishment must operate continually with a bona fide full bar. For the purposes of this section, a "full bar" regularly offers and sells, for consumption on the premises, beer, wine, and spirits including whiskey, vodka, gin, rum, tequila and brandy or cognac, and provides drink service to standing or seated patrons at a permanent physical bar with a top at least 15' in length for service of food and/or drink, whether in addition to other seating and service areas or not;
- (I) For an applicant who has been issued a Video Gaming Establishment license under § 136.50 prior to the establishment of this ordinance, the requirements (A)-(D) of this §136.51 shall have no effect;
- (J) For an applicant who has purchased an establishment subject to subsection (I) of this §136.51 and which becomes an operating licensed establishment and which obtains a City Video Gaming Establishment license within 1 year of that purchase, subsection (A) of this §136.51 shall have no effect, but said establishment must show continual compliance with subsection (B) quarterly during its first year of operation and annually thereafter as required by this Chapter, as amended from time to time;

- (L) For an applicant who has continuously held a City of Washington Class E liquor license issued prior to the establishment of this ordinance, and who subsequently and continuously held a Class A license and continuously operated as a regularly organized club, the requirements (A)-(D) of this §136.51 shall have no effect. For purposes of this section, a "regularly organized club" is defined as follows: a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to a definition of a club, as provided by state law.

(Am. Ord. 3247, passed 10-2-17; Am. Ord. 3317, passed 4-15-19;  
Am. Ord. 3341, passed 9-3-19; Am. Ord. 3386, passed 6-1-20; Am. Ord. 3430, passed 4-19-21)

### **§ 136.52 REQUIREMENTS FOR VIDEO GAMING TERMINAL OPERATOR LICENSE AND TERMINAL OPERATOR PERMIT STICKERS**

Subject to the limitations and restrictions set forth in this chapter, and all other lawful limitations and restrictions, the Mayor of the City, or anyone designated by him may, from time to time, grant a Video Gaming Terminal Operator License and Terminal Operator Permit Sticker(s) to any licensed terminal operator who shall lease, deliver, or otherwise provide video gaming terminal(s) for usage within the City, subject to the following requirements;

- (A) Each applicant shall show proof of current licensure in accordance with 230 ILCS 40/1 et. seq.;
- (B) Each applicant must provide a complete listing of the video gaming establishments it intends to serve within the City during the license period, including the number of video gaming terminals it intends to provide to each establishment;
- (C) Other than having up to six (6) video gaming terminals with valid video gaming terminal operator permit stickers, a terminal operator is prohibited from leasing, delivering, or otherwise providing, anywhere within an establishment licensed under this Chapter 136, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device under Chapter 136 of the City Code, even if solely for amusement purposes.

(Ord. 3317, passed 4-15-19; Am. Ord. 3341, passed 9-3-19)

### **§ 136.99 PENALTY**

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars (\$500.00) for each offense.



**CHAPTER 137**

**WEAPONS**

<u>137.01 Discharging weapons in city limits</u>	<u>137.04 Slingshots or metallic knuckles</u>
<u>137.02 Carrying concealed weapons; arrests and detention of persons</u>	<u>137.05 Exceptions</u>
<u>137.03 Selling weapons to minors prohibited</u>	<u>137.99 Penalty</u>

**§ 137.01 DISCHARGING WEAPONS IN CITY LIMITS**

- (A) No person shall fire or discharge any gun, pistol, or other firearm within the city, except on premises used by a duly licensed shooting gallery, gun club, or rifle club.
- (B) No person shall be permitted to fire or discharge upon any public way within the city any air gun, spring gun, or other similar device which is calculated or intended to propel or project a bullet, arrow, or similar projectile; however, nothing in this chapter shall prevent the use of such weapons in shooting galleries or in any private grounds or residence, where the projectile fired or discharged from any such gun or device will not traverse any space used as a public way.

Penalty, see § 137.99

**§ 137.02 CARRYING CONCEALED WEAPONS; ARRESTS AND DETENTION OF PERSONS**

- (A) No person within the city shall carry or wear under his clothes or concealed about his person, any pistol, revolver, derringer, Bowie knife, dirk, knife, razor, dagger, slingshot, metallic knuckles, or other dangerous or deadly weapons of a like character.
- (B) Any police officer of the city may, within the limits of the city, without warrant, arrest any person whom the police officer may find in the act of carrying or wearing under his clothes or concealed about his person, any deadly weapon of the character specified in this chapter, or any other dangerous or deadly weapon. Such a violator may be detained in custody until a summons or warrant can be procured or complaint made, under oath or affirmation for the trial of such person and for the seizure and confiscation of the weapons as the person may be found in the act of carrying or wearing under his clothes or concealed about his person.

Penalty, see § 137.99

**§ 137.03 SELLING WEAPONS TO MINORS PROHIBITED**

No person shall sell, give, loan, hire, barter, or furnish, to any person under the age of eighteen (18), within the city, any gun, pistol, revolver, fowling-piece, or toy firearm, in which any explosive substance can be used, or any Bowie knife, dirk, dagger, or other deadly weapon of a like character.

Penalty, see § 137.99

#### **§ 137.04 SLINGSHOTS OR METALLIC KNUCKLES**

No person shall have in his possession within the city any slingshot, metallic knuckles, or other deadly weapons of like character.

Penalty, see § 137.99

#### **§ 137.05 EXCEPTIONS**

The provisions of § 137.01 and 137.02(A) of this chapter shall not apply to sheriffs, coroners, constables, members of the Police Department, members of the Armed Forces under lawful orders, or other peace officers engaged in the discharge of their official duties, or to any person summoned by any such officers to assist in making arrests or preserving the peace, while such person so summoned is engaged in assisting an officer.

#### **§ 137.99 PENALTY**

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars (\$500.00) for each offense.



**CHAPTER 138**

**DRUG CONTROL**

<u>138.01</u>	<u>Cannabis control</u>	<u>138.99</u>	<u>Penalty</u>
<u>138.02</u>	<u>Possession/use of synthetic alternative drugs and intoxicating compounds prohibited</u>		

**§ 138.01 CANNABIS CONTROL**

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **CANNABIS.** Marihuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(2) **PERSON.** Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(B) It is unlawful for any person to knowingly possess a substance containing up to thirty (30) grams of cannabis.

**§ 138.02 POSSESSION/USE OF SYNTHETIC ALTERNATIVE DRUGS AND  
INTOXICATING COMPOUNDS PROHIBITED**

(A) **Definitions:** For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) *A product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed in Paragraph E.
- (2) *Synthetic cannabinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as, but not limited to, the examples of brand names or identifiers listed in Paragraph E.
- (3) *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as, but not limited to, the examples of brand names or identifiers listed in Paragraph E.
- (4) *Synthetic psychedelic/hallucinogen* means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog, (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain, such as, but not limited to, the examples of brand names or identifiers listed in Paragraph E.
- (5) *Tobacco accessories* means cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products, smoking herbs, or of substances made illegal under any law or regulation or of substances whose sale, gift, barter, or exchange is unlawful.
- (6) *Smoking herbs* means all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold for use as smoking materials.
- (7) *Intoxicating compound* means any compound, liquid or chemical, excluding

alcoholic liquor, intended for use to induce an intoxicated condition as defined in 720 ILCS 690/1.

**(B) Sale or Delivery.**

- (1) It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (2) No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical when the seller, offerer, or deliverer knows or has reason to know that the compound, liquid, or chemical is intended to be an intoxicating compound. This paragraph shall not apply to any person who commits any act described herein pursuant to the direction or prescription of a practitioner authorized to so direct or prescribe. For purposes of this paragraph, "practitioner" shall mean any person authorized by law to practice medicine in all its branches in this State, to practice dentistry in this State, to practice veterinary medicine in this State, or to practice chiropractic in this State.
- (3) Sale to minors. No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered, or given away tobacco accessories or smoking herbs to any person under 21 years of age.
- (4) Sale of tobacco accessories and smoking herbs. No person shall knowingly offer, sell, barter, exchange, deliver or give away tobacco accessories or cause, permit, or procure tobacco accessories or smoking herbs to be sold, offered, bartered, exchanged, delivered, or given away except from premises or an establishment where other tobacco products are regularly sold. For purposes of this Section, "tobacco products" means cigarettes, cigars, or smoking tobacco in any of its forms.
- (5) For purposes of this Section, "cigarette paper" shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act.
- (6) Warning to minors. Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories or smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be printed on a white card in

red letters at least one-half inch in height.

(C) **Possession.**

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

(D) **Use.**

It shall be unlawful for any person to inject, ingest, inhale or otherwise introduce into the human body, or be under the influence of, a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, or an intoxicating compound.

(E) **Examples of Brand Names/Identifiers Containing Synthetic Alternative Drugs.**

Below are examples of brand names or identifiers containing synthetic alternative drugs.

2010	Chronic Salvia	G Four
Voodoo Remix	Chronic Spice	Gold Spirit Spice
8-Bali	Cinnamon Forest	Green Monkey
Aztec Gold	Humus	Greenies Strawberry
Aztec Midnight	Citrus	Heaven Improved
Wind	Colorado Chronic	Heavenscent
Bad 2 the Bone	DaBlock	Humboldt Gold
Barely Legal	Dark Night II	IC2 Mellon
Bayou Blaster	Demon	Jamaican Gold
Black Diamond	Diamond Spirit	K Royal
Black Magic Max	Dragon Spice	K1 Orbit
Black Magic Salvia	D-Rail	K2
Black Mamba	Dream	K2 Amazonian Shelter
Blueberry EX-SES	Earthquake	K2 Blonde
Blueberry Hayze	Eruption	K2 Blue
Bombay Blue Buzz	EX_SES Platinum	K2 Blueberry
C3	Fire Bird Ultimate	K2 Citron
C4 Herbal Incense	Strength	K2 Cloud 9
Caneff	Freedom	K2 Kryptonite
Cherry Bomb	Fully Loaded	K2 Latte
Chill Out	Funky Monkey	K2 Mint
Chill X	Funky Monkey	K2 Orisha
Chronic	XXXX	K2 Orisha Max

- |                          |                        |                   |
|--------------------------|------------------------|-------------------|
| K2 Orisha Regular        | K3 Legal- Sea (silver) | Platinum Cherry   |
| K2 Orisha Super          | K3 Legal- Sun (Black)  | Platinum Vanilla  |
| K2 Peach                 | K3 Mango               | Spice             |
| K2 Pina Colada           | K3 Original            | Spice Euphoria    |
| K2 Pineapple             | K3 Original Improved   | Strawberry EX-SES |
| K2 Pineapple Express     | K3 Strawberry          | Suave             |
| K2 Pink                  | K3 Sun                 | SYN Vanilla       |
| K2 Pink Panties          | K3 Sun Improved        | SYN Vanilla #2    |
| K2 Sex                   | K3 Sun Legal           | Texas Gold        |
| K2 Sex on the Mountain   | K3 XXX                 | Time Warp         |
| K2 Standard              | K3 Blueberry           | Tribal Warrior    |
| K2 Summit                | K3 Dusk                | Ultra Cloud 10    |
| K2 Thai Dream            | K3 Heaven Improved     | Utopia            |
| K2 Watermelon            | K3 Kryptonite          | Utopia-Blue Berry |
| K2 Silver                | K3 Legal - Original    | Voo Doo Remix     |
| K2 Solid Sex             | (Black)                | Voodoo Child      |
| K2 Strawberry            | K4 Gold                | Voodoo Magic      |
| K2 Summit                | K4 Purple Haze         | White Magic Super |
| K2 Ultra                 | K4 Silver              | Who Dat           |
| K3                       | K4 Summit Remix        | Wicked X          |
| K3 Cosmic Blend          | K4 Bubble Bubble       | Winter Boost      |
| K3 Grape                 | K4 Summit              | Wood Stock        |
| K3 Heaven Legal          | Kind Spice             | XTREME Spice      |
| K3 Legal                 | K1 Gravity             | Yucatan Fire      |
| K3 Legal- Earth (silver) | K1 Orbit               | Zombie World      |

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(Ord. 1245, passed 10-16-78; Am. Ord. 1391, passed 11-7-83;  
Am. Ord. 1691, passed 9-16-91; Am. Ord. 2975, passed 4-2-12;  
Am. Ord. 3274, passed 4-2-18)  
Penalty, see § 138.99

### § 138.99 PENALTY

- (A) Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this Chapter shall be fined an amount as follows:
- (1) For a first offense, not less than \$100 and not more than \$500.
  - (2) For a second offense within a 2-year period, not less than \$250 and not more than \$500.
  - (3) For a third or subsequent offense within a 2-year period, not less than \$500 and not more than \$1,000.
- (B) Each violation of this Chapter, or every day a violation continues to exist, shall constitute a new and separate violation.
- (C) In addition to the above, any person, firm, partnership, company or corporation operating a place of business where tobacco accessories, a product containing a synthetic alternative drug or smoking herbs are sold or offered for sale shall be liable for violations of this Chapter on a strict liability basis.
- (D) Violations of sections of Chapter 138.02 may be enforced by issuance of a “Notice of Violation” for the fine amount enumerated in § 138.99 A., or by issuance of a Notice to Appear.

(Ord. 1245, passed 10-16-78; Am. Ord. 1391, passed 11-7-83; Am. Ord. 2975, passed 4-2-12)

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