

**ORDINANCE NO. 5-2021**

**AN ORDINANCE AMENDING CHAPTER 12, MISCELLANEOUS PROVISIONS AND OFFENSES, BY ADDING SECTION 12-237, SWEEPSTAKES MACHINES PROHIBITED, TO THE EVERGREEN PARK MUNICIPAL CODE**

KELLY BURKE  
Mayor

NORMAN ANDERSON  
CAROL E. KYLE  
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MARK T. PHELAN  
Trustees

CATHERINE T. APARO  
Village Clerk

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Village Attorney

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BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

**Section 1**

That Chapter 12, Miscellaneous Provisions and Offenses, of the Evergreen Park Municipal Code, be amended by adding Section 12-237 to read as follows:

**Sec. 12-237. Sweepstakes Machines Prohibited.**

(a) It shall be unlawful for any person to operate, or place into operation, an electronic machine or device for the following purposes:

- (1) To conduct a sweepstakes through the use of an entertainment display, including the entry process or the reveal of a prize; or
- (2) To promote a sweepstakes that is conducted through the use of an entertainment display, including the entry process or the reveal of a prize.

(b) For the purposes of this Section, the following words shall have the meanings ascribed to them below:

*Automatic amusement machine* means any mechanical or electronic amusement machine or device, the operation of which is governed or controlled by the deposit of currency, money, credit, electronic currency, tokens or a similar equivalent or other item of value, not including jukeboxes.

*Electronic machine or device* means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism.

*Enter or entry* means the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.

*Entertainment display* means visual information capable of being seen by a sweepstakes entrant that takes the form of actual game play or simulated game play of games, including, but

not limited to, a poker game or any other kind of playing card game; a bingo game; a craps game; a keno game; a lotto game; an eight-liner game; a pot-of-gold game; a game based on or involving the random or chance matching of different pictures, words, numbers or symbols not dependent on the skill or dexterity of the player; a casino or gambling game; and any other video game the outcome of which is not in whole or in part dependent on the skill or dexterity of the player that is played in the course of revealing a prize as a result of an entry into a sweepstakes.

*Prize* means any gift, award, gratuity, goods, service, credit or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

*Sweepstakes* means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon an element of chance.

## **Section 2**

Unless otherwise provided herein, the penalty clause for this ordinance shall be Section 1-9 of the Evergreen Park Municipal Code.

## **Section 3**

This ordinance was passed pursuant to the home rule powers of the Village of Evergreen Park.

## **Section 4**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

## **Section 5**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

## **Section 6**

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of Evergreen Park.

**Section 7**

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 21<sup>st</sup> day of June, 2021.



*Catherine T. Aparo*

CATHERINE T. APARO, Village Clerk

APPROVED by me this 21<sup>st</sup>  
day of June, 2021.

*Kelly Burke*

KELLY BURKE, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 21<sup>st</sup> day of June, 2021.

*Catherine T. Aparo*

CATHERINE T. APARO, Village Clerk