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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTION 26-44 OF THE  
ROCHELLE MUNICIPAL CODE PERTAINING TO VIDEO GAMING TERMINAL  
FEES**

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**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTION 26-44 OF THE  
ROCHELLE MUNICIPAL CODE PERTAINING TO VIDEO GAMING TERMINAL  
FEES**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, the City of Rochelle (“City”) desires to amend Sec. 26-44. - Schedule of License, Permit or Registration Fees, to impose an annual fee for video gaming terminals; and

**WHEREAS**, the Video Gaming Act, 230 ILCS 40/1 *et seq.*, as amended from time to time, allows video gaming in certain establishments as provided therein; and

**WHEREAS**, the City currently allows video gaming activity in compliance with the Video Gaming Act; and

**WHEREAS**, the City desires to amend its Code to impose a fee per terminal related to the use and operation of video gaming within the City as consistent with the Video Gaming Act; and

**WHEREAS**, 230 ILCS 40/65 authorizes non-home rule municipalities to impose a fee for the operation of a video gaming terminal within its corporate limits of up to \$250 per year, per terminal; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that the establishment of an annual video gaming terminal fee is in the best interest of the City and its residents.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
ROCHELLE, ILLINOIS:**

**SECTION ONE:** That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

**SECTION TWO:** That Chapter 26, Article II, Section 26-44 “Schedule of License, Permit or Registration Fees” is hereby amended by adding the following underlined language:

**Sec. 26-44. - SCHEDULE OF LICENSE, PERMIT OR REGISTRATION FEES.**

(a) All businesses, trades and occupations set forth in this section are required to obtain a license, permit or registration certificate prior to operation in the city.

(b) The amount and the period covered required by this section shall be as follows:

Classification	Amount	Period
Alcoholic beverages:		
Initial fee (all licenses)	\$500.00	One time (covers all fingerprinting for initial application)
Class B	1000.00	Annual
Class P-1	550.00	Annual
Class P-2	650.00	Annual
Class C	1200.00	Annual
Class R-1	700	Annual
Class R-2	900	Annual
Class R-3	\$1200	Annual
Class S	\$550.00	Annual
Class E	25.00	Per day
Class M-1	1800.00	Annual
Class M-2	1800.00	Annual
Class M-3	1800.00	Annual
Fingerprinting	50.00	For each person fingerprinted after initial application
Peddlers/itinerant merchants	25.00	Five days
Industrial peddlers	100.00	Three months
Solicitors and canvassers	25.00	Five days
Peddler/solicitors badge	15.00	Week
Industrial peddlers Badge	15.00	Three months
Fingerprints	50.00	Annual
Taxicabs and limousines	50.00 plus 5.00 per driver	Annual
<u>Video Gaming Terminal Fee</u>	<u>\$100 per terminal, effective 1/1/23;</u> <u>\$150 per terminal, effective 1/1/24; and</u> <u>\$250 per terminal, effective 1/1/25;</u>	<u>Annual</u>

All other businesses	None	Initial registration (see section 26-33 for inspection/re-inspection fees)
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SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 22<sup>nd</sup> day of August, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22<sup>nd</sup> day of August, 2022.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTION 26-44 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO VIDEO GAMING TERMINAL FEES” which was adopted by the Mayor and City Council of the City of Rochelle on August 22, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22<sup>nd</sup> day of August, 2022.

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CITY CLERK