

ORDINANCE NO. 2020-03

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE IV, DIVISION 2 OF THE VILLAGE OF STICKNEY MUNICIPAL CODE REGARDING ADMISSIONS TAX AT RACETRACKS FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, on June 28, 2019, the Governor signed SB 690 into law, which effectively legalized sports wagering and expanded gaming throughout the State to allow for an individual who holds a license to conduct gaming or sports wagering at a portion of a racetrack facility authorized by law; and

WHEREAS, pursuant to its home rule powers, the Corporate Authorities have determined that in order to compensate the Village for additional services and infrastructure and property repair and maintenance, it is in the best interests of the Village and its residents to expand admissions tax at a racetrack within the Village to those entering the facilities for gaming or sports wagering; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 10, Article IV, Division 2 of the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE. The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE. The purpose of this Ordinance is to amend Chapter 10, Article IV, Division 2 of the Village Code to expand the admissions tax at a racetrack facility and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 10, ARTICLE IV, DIVISION 2 OF THE MUNICIPAL CODE,**

VILLAGE OF STICKNEY, ILLINOIS

SECTION 3. AMENDMENT OF CHAPTER 10, ARTICLE IV, DIVISION 2. That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 10, Article VI, Division 2 as follows (additions underlined, deletions ~~stricken~~):

DIVISION 2. – ADMISSIONS TAX

Sec. 10-161. - Definitions.

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

Horse racing and *horse race* means, but is not limited to, thoroughbred horse racing, quarter horse racing and harness racing.

Licensee means any person licensed by the state to operate a racetrack for horse racing purposes in the state.

Organization gaming licensee means any person who holds a license to conduct gaming at a portion of a racetrack facility authorized by law.

Master sports wagering licensee means person who holds a license to conduct sports wagering at a portion of a racetrack facility authorized by law.

Cross reference— Definitions generally, § 1-2.

Sec. 10-162. - Amount.

(a) Any licensee operating a racetrack for horse racing purposes within the village shall pay to the village the sum of \$0.10 for each admission of each person entering the grounds or enclosures of the licensee on each day during which horse racing is held.

(b) Any organization gaming licensee conducting gaming at a racetrack within the village shall pay to the village the sum of \$0.10 for each admission of each person entering the grounds or facilities of the organization gaming licensee where gaming will be conducted.

(c) Any master sports wagering licensee conducting sports wagering at a racetrack within the village shall pay to the village the sum of \$0.10 for each admission of each person entering the grounds or facilities of the master sports wagering licensee where sports wagering will be conducted.

~~(b)~~(d) No charge shall be made for admissions in the name of directors, officers, agents or employees of the licensee, organization gaming licensee or master sports wagering licensee, or to owners, trainers, jockeys and their employees or to any person entering the grounds or enclosures for the transaction of business in connection with race meetings or operations.

~~(c)~~(e) The licensee, organization gaming licensee and master sports wagering licensee may, if he or she desires, collect such amount from each person admitted in addition to the amount charged for such admissions.

State Law reference— Authority to levy tax imposed on licensees under this section, 230 ILCS 5/27(f).

Sec. 10-163. - Books and records.

Accurate books and records shall at all times be kept and maintained by the operator showing admissions on each race day and the attendance at each horse race meeting. Any organization gaming licensee or master sports wagering licensee shall also maintain accurate books and records showing admissions on any given day to areas where gaming or sports wagering is conducted. The duly authorized representatives of the village shall at all reasonable times have access to the admission records of any licensee, organization gaming licensee or master sports wagering licensee for the purpose of examining and checking the records and ascertaining whether or not the proper amount has been or is being paid to the village as provided in this division.

Sec. 10-164. - Payment.

The admissions tax provided for in this division shall be due and payable to the village on or before the 15th day of the month following any month during which horse racing, gaming or sports wagering was conducted. The licensee, organization gaming licensee and master sports wagering licensee shall supply at the time of payment a report showing the admissions on each race day for which the tax provided for in this division is being paid. All payments and reports required in this section shall be delivered to the office of the village clerk.

Sec. 10-165. - Penalty for violation of division.

Any licensee, organization gaming licensee or master sports wagering licensee failing or refusing to pay the amount found to be due as provided in this division shall, upon conviction, be punished by a fine of not more than \$5,000.00 in addition to the amount due from such licensee, organization gaming licensee or master sports wagering licensee as provided in this division. A separate offense shall be deemed committed for each month the licensee fails or refuses to pay the amount found to be due as provided in this division.

Secs. 10-166—10-180. - Reserved.

SECTION 3.1. OTHER ACTIONS AUTHORIZED. The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any

law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER. All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be in full force and effect ten (10) days after its passage, approval and publication, as provided by law.

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PASSED this 3rd day of March, 2020.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 3rd day of March, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 3rd day of March, 2020.

Audrey McAdams, Village Clerk