

# Village of Algonquin

<b>FOR OFFICE USE ONLY:</b>	
Date Received:	_____
License Fee: Yes	____ No _____
Insurance Bond: Yes	____ No _____

## OPERATOR: VIDEO GAMING TERMINAL LICENSE APPLICATION

Application is hereby made to the Village of Algonquin for issuance of a non-transferable **Video Terminal Operators License**, pursuant to the ordinances of the Village of Algonquin and laws of the State of Illinois. In support of said application, the undersigned being duly sworn, does state the following:

Company Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Street Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Customer Service Phone Number: \_\_\_\_\_

### SUBMITTALS

- Certificate of Insurance
- Nonrefundable annual Operator License Fee (\$1,000) as prescribed by Appendix B of the Village of Algonquin Municipal Code. (Valid January 1 to December 31 of the same year). Make checks payable to the Village of Algonquin.
- Terminal Fee: \$250 per terminal placed in a Village of Algonquin Establishment (List each location and Number of terminals at each location on the back of this form)
- Amusement Push Tax—Tax Collector form
- Certificate of Insurance
  - Workers' Compensation Insurance as prescribed by the laws of the State of Illinois as of the date of this application submission
  - Employers' Liability Insurance, with limits of not less than \$1,000,000.00 per occurrence.
  - Comprehensive General Liability Insurance, with limits of not less than \$1,000,000.00 for property damages; \$1,000,000.00 for bodily injury or death of any one person, and \$2,000,000.00 coverage per occurrence.
  - The licensee shall include the Village, its officers, employees, and agents as additional named insured on any of the foregoing policies with proof of the same to be provided to the Village

Applicant understands and agrees that additional information and material may be required during the processing of this application including but not limited to information related to applicant's qualifications, the information provided herein, including attachments, and the license involved. Applicant agrees to provide such additional information and material and that failure to do so may delay the processing of this application or result in its denial.

In the event Applicant is made aware that any information or documentation submitted as part of this application process is inaccurate or incomplete, applicant agrees to immediately notify the Village and provide such additional information and material, and failure to do so may delay the processing of this application or result in its denial.

The undersigned does further state as follow:

- A. The undersigned has read and understands the Village of Algonquin Municipal Code, Chapter 43.38, Video Gaming Terminals
- B. The undersigned is empowered to prepare and sign this application on behalf of the Applicant.
- C. The undersigned has review this application, and all attachments and submittals, and that the information contained herein is true and accurate.
- D. The undersigned, on behalf of the Applicant, acknowledges and agrees that a false statement knowingly made in this application shall bar the Applicant from further consideration and the application shall be denied.

APPLICANTS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_



**VILLAGE OF ALGONQUIN  
VIDEO GAMING AMUSEMENT PUSH TAX  
TAX COLLECTOR REGISTRATION**

Please complete the following information to register as a tax collector with the Village of Algonquin to collect the one cent (\$0.01) tax upon the amusement of playing a video gaming terminal within the Village pursuant to Ordinance 2021-O-33 dated October 31, 2021.

\_\_\_\_\_ New Registration

\_\_\_\_\_ Change in Registration

**Video Gaming Terminal Operator**

Owner or Corporate Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

Contact Email: \_\_\_\_\_

**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: Algonquin, IL 60102

Business Phone: \_\_\_\_\_

Village License No.: \_\_\_\_\_

Manager Name: \_\_\_\_\_

Manager Phone: \_\_\_\_\_

Manager Email: \_\_\_\_\_

How many video gaming terminals are located at this location? \_\_\_\_\_

Video Gaming Terminal State License No.: 1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

Use additional pages if necessary.

Additional pages attached? Yes  No  If yes, number of pages \_\_\_\_\_.

To the best of my knowledge and belief, the above information is true, correct and complete.

\_\_\_\_\_

Date: \_\_\_\_\_

Signature of Video Gaming Terminal Operator/Authorized Agent

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**VIDEO GAMING AMUSEMENT PUSH TAX  
TAX COLLECTOR REGISTRATION  
(Additional Page)**

**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: Algonquin, IL 60102 \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
Manager Phone: \_\_\_\_\_  
Manager Email: \_\_\_\_\_  
How many video gaming terminals are located at this location? \_\_\_\_\_  
Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_

**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: Algonquin, IL 60102 \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
Manager Phone: \_\_\_\_\_  
Manager Email: \_\_\_\_\_  
How many video gaming terminals are located at this location? \_\_\_\_\_  
Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_

**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: Algonquin, IL 60102 \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
Manager Phone: \_\_\_\_\_  
Manager Email: \_\_\_\_\_  
How many video gaming terminals are located at this location? \_\_\_\_\_  
Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_

**VILLAGE OF ALGONQUIN  
VIDEO GAMING AMUSEMENT PUSH TAX  
TAX COLLECTOR REGISTRATION  
(Additional Page)**

Location(s) of Video Gaming Terminals

Business Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: Algonquin, IL 60102

Business Phone: \_\_\_\_\_

Village License No.: \_\_\_\_\_

Manager Name: \_\_\_\_\_

Manager Phone: \_\_\_\_\_

Manager Email: \_\_\_\_\_

How many video gaming terminals are located at this location? \_\_\_\_\_

Video Gaming Terminal State License No.: 1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

Location(s) of Video Gaming Terminals

Business Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: Algonquin, IL 60102

Business Phone: \_\_\_\_\_

Village License No.: \_\_\_\_\_

Manager Name: \_\_\_\_\_

Manager Phone: \_\_\_\_\_

Manager Email: \_\_\_\_\_

How many video gaming terminals are located at this location? \_\_\_\_\_

Video Gaming Terminal State License No.: 1. \_\_\_\_\_

2. \_\_\_\_\_

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Location(s) of Video Gaming Terminals

Business Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: Algonquin, IL 60102

Business Phone: \_\_\_\_\_

Village License No.: \_\_\_\_\_

Manager Name: \_\_\_\_\_

Manager Phone: \_\_\_\_\_

Manager Email: \_\_\_\_\_

How many video gaming terminals are located at this location? \_\_\_\_\_

Video Gaming Terminal State License No.: 1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

**VILLAGE OF ALGONQUIN  
VIDEO GAMING AMUSEMENT PUSH TAX  
MONTHLY TAX REMITTANCE FORM**

Please complete the following information to remit as a tax collector with the Village of Algonquin for the one cent (\$0.01) tax upon the amusement of playing a video gaming terminal within the Village pursuant to Ordinance 2021-O-33 dated October 31, 2021.

**DUE DATE: Village MUST RECEIVE PAYMENT BY THE 20<sup>TH</sup> DAY OF THE FOLLOWING MONTH**

Month/Year of Collection: \_\_\_\_\_

**Payer/Video Gaming Terminal Operator**

Owner or Corporate Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_  
Contact Email: \_\_\_\_\_

**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
Manager Phone: \_\_\_\_\_  
Manager Email: \_\_\_\_\_

How many video gaming terminals are located at this location? \_\_\_\_\_

Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_

Use additional pages if necessary.

Additional pages attached? Yes  No  If yes, number of pages \_\_\_\_.

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**Computation of Amusement Push Tax Liability  
(to be completed for each video gaming terminal)**

1. Number of Video Gaming Terminal Pushes  
for Video Gaming Terminal State License No. 1 (above)..... \_\_\_\_\_  
for Video Gaming Terminal State License No. 2 (above)..... \_\_\_\_\_  
for Video Gaming Terminal State License No. 3 (above)..... \_\_\_\_\_  
for Video Gaming Terminal State License No. 4 (above)..... \_\_\_\_\_

for Video Gaming Terminal State License No. 5 (above).....\_\_\_\_\_

for Video Gaming Terminal State License No. 6 (above).....\_\_\_\_\_

for Video Gaming Terminal State License (s) (from additional page(s)) \_\_\_\_\_

TOTAL PUSHES \_\_\_\_\_

2. One Cent (\$0.01) Amusement Push Tax (TOTAL PUSHES x \$0.01) \$ \_\_\_\_\_

Check Here if Late

3. 1.5% Late Penalty Assessment (line 2 x .015 for each month) (# of months \_\_\_\_\_) \$ \_\_\_\_\_

4. Total Tax Remitted (add lines 2 and 3) \$ \_\_\_\_\_

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Make your check payable to the Village of Algonquin.

Mail this completed and signed return and the check for the amount shown on line 4 to:

Village of Algonquin  
Attn: Finance Department  
2200 Harnish Drive  
Algonquin, IL 60102

Questions? Please contact the Village Finance Department at 847-658-2700.

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

\_\_\_\_\_  
Signature of Video Gaming Terminal Operator/Authorized Agent

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**VIDEO GAMING AMUSEMENT PUSH TAX  
MONTHLY TAX REMITTANCE FORM  
(Additional Page)**

**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
Manager Phone: \_\_\_\_\_  
Manager Email: \_\_\_\_\_  
How many video gaming terminals are located at this location? \_\_\_\_\_  
Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
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**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
Manager Phone: \_\_\_\_\_  
Manager Email: \_\_\_\_\_  
How many video gaming terminals are located at this location? \_\_\_\_\_  
Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
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**Location(s) of Video Gaming Terminals**

Business Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Village License No.: \_\_\_\_\_  
Manager Name: \_\_\_\_\_  
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Video Gaming Terminal State License No.: 1. \_\_\_\_\_  
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# ORDINANCE NO. 2021 - O - 33

## *An Ordinance Pertaining to Amusement Taxes for the Village of Algonquin*

WHEREAS, the Village of Algonquin (the “Village”), McHenry and Kane counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions including, but not limited to, the power to tax and to incur debt as granted in the Constitution of the State of Illinois.

WHEREAS, the Illinois Video Gaming Act (“VGA”), 230 ILCS 40/1 *et seq.*, regulates the operation, licensing, and administration of video gambling; and

WHEREAS, the Village in accordance with the VGA regulates video gaming activity within the Village; and

WHEREAS, pursuant to Article VII, Section 6(a) and Section 6(i) of the Ill. Const. of 1970 in conjunction with 65 ILCS 5/11-42-5 of the Illinois Municipal Code, the Village is authorized to impose a tax upon amusements; and

WHEREAS, the Illinois General Assembly’s HB3136 which passed through both houses on Thursday, October 28, 2021 and was further amended on Thursday, October 28, 2021, preempts home rule powers if an ordinance imposing an amusement tax on persons who participate in the playing of video gaming terminals was not in place before November 1, 2021; and

WHEREAS, the Village now desires to impose a tax upon the amusement of playing a video gaming terminal within the Village (“Push Tax”); and

WHEREAS, the Village’s Push Tax will provide much needed revenue to promote the general health, safety, and welfare of the Village and its residents, and provide adequate funds to offset the adverse effects of gambling within the Village; and

WHEREAS, the President and Board of Trustees of the Village of Algonquin hereby believe that it is in the best interest of the Village and its residents to impose said Push Tax.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: Chapter 32, Occupation and Other Taxes, shall be amended to add a new Section 32.09 entitled “AMUSEMENT TAX” which shall read as follows:

### **32.09 AMUSEMENT TAX**

A. Applicability of Provisions: The provisions of this section, except as otherwise provided, shall apply to all amusements as hereinafter defined, whether specifically licensed or regulated under other provisions of this code or other ordinances, or not.

B. Definitions:

1. The word “amusement” means: (1) any theatrical, dramatic, musical or spectacular performance, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition for public entertainment, including, without being limited to, boxing, wrestling, skating, dancing, swimming, racing, or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, bowling, billiard and pool games; (2) any entertainment offered for public participation, including, without being limited to, dancing, carnival, amusement park rides and games, bowling, billiard and pool games, or any Video Gaming Terminal.
2. Terminal Operator: Any individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming Act, 230 ILCS 40/1 *et seq.*, and that owns, services, and maintains Video Gaming Terminals for placement in licensed establishments, licensed truck stop establishments, licensed large truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.
3. Person: Any natural individual that participates in an amusement, including a firm, organization, society, foundation, institution, partnership, association, joint stock company, joint venture, limited liability company, public or private corporation, receiver, executor, trustee or other representative appointed by order of any court, or any other entity recognized by law.
4. Play: Each individual push of the Video Gaming Terminal which initiates the simulation provided by the Video Gaming Terminal. Play shall not include the push of individual wager amounts, selection of types of games on the Video Gaming Terminal or entry of any information or printing of winning receipts.
5. Video Gaming Terminal: Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board 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.

C. Amusement Tax Imposed

1. Push Tax
  - a. Except as otherwise provided by this section, an amusement tax is imposed upon any person who participates in the Play of a Video Gaming Terminal that takes place within the jurisdictional boundaries of the Village of Algonquin.
  - b. The rate of the tax shall be equal to \$0.01 (one cent) per Play on a Video Gaming Terminal.

- c. The Terminal Operator of a Video Gaming Terminal may separately itemize and charge each Person who Plays a Video Gaming Terminal.

2. Tax Additional

The tax imposed in this section is in addition to all other taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

3. Registration

- a. Every Terminal Operator of a Video Gaming Terminal(s) located in the Village shall apply for registration as a tax collector with the Village no later than thirty (30) days after commencing such business or thirty (30) days after the effective date of this Ordinance imposing the Push Tax, whichever occurs later.
- b. The application shall be submitted to the Village on the forms provided by the Village and contain such information as reasonably required by the Village to impose, collect, and audit all amounts related to the Push Tax.

4. Collection, Payment, and Accounting

- a. It shall be the joint and several duty of every Terminal Operator of a Video Gaming Terminal(s) to secure from each Person participating in the Play of a Video Gaming Terminal the Push Tax imposed by this Chapter.
- b. For purposes of this section, it shall be presumed that the amount of the Push Tax imposed on each Person, unless the taxpayer or tax collector provides otherwise with books, records, or other documentary evidence, has been collected from the Person by the Terminal Operator.
- c. Push Tax payments accompanied by tax returns prescribed by the Village shall be remitted to the Village on or before the 20th day of the month following the month in which payment for the Push Tax is made.
- d. Every Terminal Operator of a Video Gaming Terminal who is required to collect the Push Tax by this Chapter shall be considered a tax collector for the Village. All Push Tax amounts collected shall be held by the Terminal Operator as trustee for and on behalf of the Village. The failure of the Operator to collect the tax shall not excuse or release the Person from the obligation to pay the tax.
- e. The ultimate incidence of the Push Tax shall remain on the Person and shall never be shifted to the Terminal Operator.
- f. Notwithstanding any other provision of this section, in order to permit sound fiscal planning and budgeting by the Village, no person shall be entitled to a refund of, or credit for, the Push Tax imposed by this section unless the person

files a claim for a refund or credit within one (1) year after the date on which the Push Tax was paid or remitted to the Village.

- g. The Terminal Operator of any Video Gaming Terminal(s) shall be subject to audit, inspection, and record keeping provisions of this Code.
- h. It shall be unlawful for any Terminal Operator and/or Person to prevent, hinder, or interfere with the Village's officials, employees, and/or agents designated to discharge their respective duties in the performance and enforcement of the provisions of this section.
- i. It is the duty of every Terminal Operator of a Video Gaming Terminal(s) to keep accurate and complete books and records to which the Village's officials, employees, and/or agents will at all times have full access.

5. Rules and Regulations; Authorized

The Village is authorized to adopt, promulgate, and enforce any additional rules and regulations pertaining to the interpretation, collection, administration, and enforcement of this section.

6. Application of Village Code.

Any citation under this section may be in addition to any other citations issued by the Village under any and all applicable sections of the Village Code.

7. Violations; Penalties

It shall be a violation of this section for a Terminal Operator to fail to file a report within the time prescribed in this section.

- a. Report Required: A Terminal Operator who falsely reports or fails to report the amount of Push Tax due as required by this section shall be in violation of this section and is subject to the suspension and/or revocation of their Terminal Operator License. All payments not remitted when due shall be paid together with a penalty assessment on the unpaid balance at a rate of 1.5% per month.
- b. Suspension or Revocation of License: The Local Liquor Commissioner or his or her designee shall have the power to suspend for not more than thirty (30) days or revoke any video gaming license issued under the provisions of this chapter for cause, or if he/she determines that a Terminal Operator shall have violated any of the provisions of this section, any of the statutes of the State or any other valid ordinance or resolution enacted by the corporate authorities of the Village. However, no such license shall be revoked or suspended except after the holding of a public hearing by the Local Liquor Commissioner or his or her designee. Ten (10) days' notice of the hearing shall be given to the Terminal Operator. Alternatively, the Terminal Operator shall have the

opportunity to engage in a prehearing conference and agree to negotiated penalties rather than proceed to a hearing.

- c. Fine Imposed: In addition, any Terminal Operator violating the provisions of this section shall be subject to a fine of \$250.00 for the first offense, and \$500.00 for the second offense and \$750.00 for a third offense and subject to a revocation of any license to operate a Video Gaming Terminal for the third offense.
- d. Each day a violation continues shall constitute a separate violation.
- e. It shall be deemed a violation of this section for any Person to knowingly furnish false or inaccurate information to the Village.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall take effect immediately upon its passage, due to the urgency of implementing a Push Tax in light of HB3136.

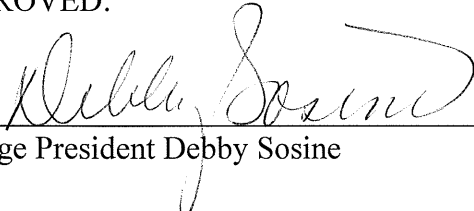
Aye: Auger, Brehmer, Dianis, Glogowski, Smith, Spella, Sosine

Nay: None

Absent: None

Abstain: None

APPROVED:

  
\_\_\_\_\_  
Village President Debby Sosine



  
\_\_\_\_\_  
Village Clerk Fred Martin

Passed: October 31, 2021

Approved: October 31, 2021

Published: November 1, 2021

Prepared by:  
Kelly Cahill, Village Attorney  
Zukowski, Rogers, Flood & McArdle  
50 Virginia Street  
Crystal Lake, Illinois 60014