



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 022-031
DATE OF PASSAGE May 10, 2022

An Ordinance amending Chapter 6 Sec. 6-13 and Chapter 8 Sec. 8-131 of the Code of Ordinances.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable to amend the code regarding the licensing of businesses to sell alcohol and video gaming establishments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 6 Sec. 6-13 and Chapter 8 Sec. 8-131 shall be and hereby is amended as set forth in Exhibit A.

Section Two: That the ordinances shall be in full force and effect, and shall be controlling, upon the passage and approval of the ordinances.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any section or provision of these ordinances that are construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

Section Five: That the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive or clerical changes to Chapter 6, Sec. 6-13 and Chapter 8, Sec. 8-131 as necessary for purposes of updating the online municipal code.

ORDINANCE NO. 022-031

LEGISTAR NO. 22-0151

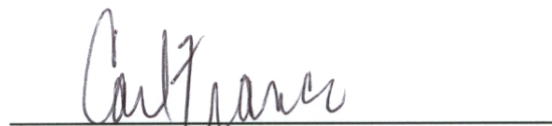
PASSED AND APPROVED ON May 10, 2022

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor Pro-Tem, Carl Franco

Sec 6-13 Allowed Areas

- (a) A liquor license shall be issued only to establishments located in those portions of the city hereinafter classified as predominantly business in character, unless otherwise provided.
- (b) For the purposes of this chapter the following described portions of the city are predominantly business in character:
- (1) Downtown, as defined herein.
 - (2) Shopping centers, as defined herein.
 - (3) Contiguous areas of at least fifteen (15) acres which are zoned as B-2 Business District—General Retail, B-3 Business and Wholesale District, BB Business—Boulevard District, ORI Office, Research and Light Industry District or M-1 Manufacturing District, Limited or combinations of said districts under the chapter 49 of this code and the zoning map attached thereto. In addition, any land zoned PDD-Planned Development District shall be included to the extent that such land has been designated for uses similar to the above zonings. Any area zoned R-1, R-2, R-3, R-4, R-5, B-1, M-2, downtown core, downtown fringe is specifically excluded from said business districts.
- (c)
- (1) Nothing contained in this section shall preclude the issuance of a liquor license to Fraternal Society or Club, Restaurant or Beer and Wine Restaurant establishments in portions of the city classified as predominantly business in character.
 - (2) No new liquor licenses may be issued to any establishment that is within five hundred (500) feet of a residential property without the applicant obtaining the approval of the liquor commissioner through the hearing process established in section 6-13(d)(2-4), provided the property has adequate off-street parking, and complies with all other requirements of the Code. However, if the business is located in the downtown or a shopping center, as defined above, then a liquor license may be issued without the need for a conditional use permit so long as the business complies with all other requirements of the Code. Licensees identified as Taverns, Fraternal Societies or Clubs, Package Liquor and Auditoriums prior to January 1, 2003 in portions of the city located within five hundred (500) feet of a residential property shall not be required to obtain approval from the liquor commissioner in order to renew their existing liquor license.
- (d) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of a church, grade school, middle school, alternative school or high school, hospital, or home for indigent persons. However, if the license is located in the downtown or a shopping center, as defined above, then a Class D license may be issued if the license is not located within one hundred (100) feet of a grade school, middle school, alternative school or high school. The one hundred (100) feet measurement is to be taken from property line to property line, except when determining the distance between a church and a liquor license applicant. ~~In the case of a church,~~ the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.
- (1) The liquor commissioner may grant a reduction of the distance requirement in this subsection (d), based on a finding from an administrative hearing officer that such a reduction would not detrimentally affect the church, grade school, middle school, alternative school or high school, hospital or home for indigent persons within one hundred (100) feet of the premise proposed to be licensed. If a reduction is granted, applicants must still comply with all other application requirements associated with the issuance of a liquor license.
 - (2) The hearing officer shall consider the following factors in reviewing a reduction in the distance requirement:
 - a. The type of activity to be conducted at the premises proposed to be licensed and the days and times during which such activity will take place;

- 1 b. The size of the applicant's business and the affected establishment;
2 c. The availability of adequate parking for patrons of both the applicant's business
3 and the affected establishment;
4 d. Whether the applicant is seeking a license to permit consumption of liquor at its
5 premises or for the sale of package goods;
6 e. Reports from the police regarding the location, as well as the history of activity
7 conducted at or in conjunction with the premises and any associated infractions or
8 violations of state law or local ordinances;
9 f. The relevant geography and location of the applicant's business;
10 g. The legal nature and history of the applicant; and
11 h. The measures the applicant proposes to implement to maintain quiet and security
12 in conjunction with the establishment.
- 13 (3) An applicant seeking a distance requirement reduction shall make a written submission to
14 the city clerk for review by an administrative hearing officer. Upon receiving a completed
15 application the city clerk shall notify the alderman's office. The application shall present
16 all factors the applicant believes to be relevant to whether a reduction is appropriate.
17 Aldermen and/or representatives of the city will also have an opportunity to submit
18 information they believe to be relevant to the hearing officer's recommendation. Applicants
19 shall bear all costs associated with the hearing officer's review and court reporter fees for
20 said review. ~~The request for reduction shall be accompanied by an additional fee of up to~~
21 ~~one thousand dollars (\$1,000.00) to defer the costs of the administrative hearing officer.~~
22 The hearing officer shall review the information provided and shall incorporate it into ~~in~~
23 ~~to~~ the hearing officer's decision for the liquor commissioner's review and approval.
- 24 (4) If the liquor commissioner grants a liquor license with a distance reduction, the factors that
25 were deemed relevant to the hearing officer's finding may be included in a plan of conduct.
26 Any such plan of conduct shall be deemed a part of the license, and compliance with the
27 plan of conduct shall be a necessary condition to the continued validity of the license.
28 Failure to comply with one (1) or more elements of the plan of conduct shall subject the
29 licensee to suspension or revocation of the liquor license.
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Sec 8-131 Licensee Requirements

1. Effective May 1, 2020, video gaming terminal licenses will only be issued to full-service restaurant establishments holding a liquor license and video gaming endorsement as described in Chapter 6. Any video gaming terminal license in effect at the time of adoption of this section shall be renewed yearly so long as the license is issued to the current owners. Any sale, transfer, or assignment of more than fifty (50) percent of the ownership of a business or partnership shall terminate said license. In the event that such license is held in the name of a corporation, the sale, transfer or assignment of fifty (50) percent of the stock shall terminate the license.
2. Liquor license must be in good standing with the City of Aurora and the State of Illinois.
3. An establishment must be in operation as a licensed liquor premise for no less than one hundred twenty (120) days prior to issuance of a video gaming terminal license.
4. Limitations on the issuance of video gaming terminal licenses:
 1. The number of video gaming terminal licenses shall be limited to two hundred (200) video gaming terminals.
 2. Effective March 31, 2018, no new video gaming terminal license location may be issued to any establishment that is less than two thousand six hundred forty (2,640) feet from another licensed establishment, measured from the property line and where there is an existing licensed video gaming terminal licensed in the same single shopping center, plaza or strip mall without the applicant obtaining approval by the local liquor control commissioner (liquor commissioner) for the issuance of said license as set forth herein. Current establishments located within two thousand six hundred forty (2,640) feet or within the same single shopping center, plaza or strip mall with a video gaming terminal license in effect at the time of adoption of this section shall be renewed yearly so long as the license is issued to the current owners. Any sale, transfer, or assignment of more than fifty (50) percent of the ownership of a business or partnership shall terminate said license. In the event that such license is held in the name of a corporation, the sale, transfer or assignment of fifty percent (50) of the stock shall terminate the license.
 1. The liquor commissioner may grant a reduction of the distance requirement set forth in paragraph (d)(2) of this section based on the finding of an administrative hearing officer that such a reduction would not detrimentally impact the existing video gaming licensee or the surrounding community. If the liquor commissioner grants a reduction, the applicant must still comply with all other application requirements associated with the issuance of a video gaming terminal license.
 1. The hearing officer shall consider the following factors in reviewing a request for a distance reduction:
 1. The type of activity to be conducted at the establishment and the days and times during which such activity will take place;
 2. The size of the applicant's business and the size of the existing video gaming licensee's business;
 3. A report from the police regarding the location, as well as the history of activity conducted at or in conjunction with the premises and any associated infractions or violations of the municipal code;
 4. The relevant geography, and location of the applicant's business; and
 5. The extent to which the video gaming constitutes a significant focus of the applicant's business; and
 6. The legal nature and history of the applicant.
 2. ~~Applications~~ Applicants for a reduction of the distance requirement shall submit their application to the city clerk's office, ~~an administrative hearing~~

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- ~~officer~~, and shall bear all costs associated with the hearing officer's review
and court reporter fees for said review.
3. Prohibited in new establishments located within the downtown and downtown fringe as defined in the zoning ordinance.
 4. Must not be permitted at establishments located within one thousand (1,000) feet of a casino.
 5. A licensed video gaming location in the city may operate up to five (5) gaming terminals on its premise at any time.