

ORDINANCE 2019-038

PASSED: MAY 13, 2019

AMENDING CHAPTER 38 "INTOXICATING LIQUORS", SECTION 38.27(C)8 "GAMBLING DEVICES", BY REVISING THE FIXED NUMBER OF LIQUOR LICENSES FOR ESTABLISHMENTS THAT QUALIFY AS VIDEO GAMING ESTABLISHMENTS TO INCLUDE THE PROPERTIES LOCATED AT 110-124 E. HILLCREST DRIVE AND 1704 SYCAMORE ROAD, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and authority conferred upon it by virtue of the Illinois Constitution, the Illinois Municipal Code, the Illinois Liquor Control Act and the City Code of the City of DeKalb; and

WHEREAS, on March 27, 2017, the City approved Ordinance 2017-012 amending Chapter 38 to limit the number of gaming devices in a Video Gaming Establishment (VGE) to five (5), and limited the number of liquor licenses with supplemental licenses for Video Gaming Terminals (VGTs) to seven (7); and

WHEREAS, the City presently has seven (7) operational VGEs, and a conditionally approved eighth VGE license for the premises at 1221 W. Lincoln Highway; and

WHEREAS, RLDR, LLC, Owner of the property located at 110-124 E. Hillcrest Drive, and 1704 Sycamore LLC, d/b/a Lacey's Place, proposed VGE Operator at the property located at 1704 Sycamore Road (legally described in Exhibits A and B - Subject Properties) desire to operate a VGE as defined by the City Code, which in tandem with 1221 W. Lincoln Highway (Haymakers) requires increasing the fixed number of liquor licenses available for establishments that qualify as VGEs by three (3); and

WHEREAS, Owner and Operator requests Council approval to amend Chapter 38 to increase the fixed number of liquor licenses available for establishments that qualify as VGEs by three (3), subject to approval of a special use, including any conditions attached thereto, and after satisfying all other requirements of this Ordinance and the City Code; and

WHEREAS, the City Council has determined that it is necessary and advantageous to alter the regulations applicable to video gaming devices as defined within Chapter 38 of the City Code.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

SECTION 1. Chapter 38, Section 38.27(c) 8 is hereby amended by increasing the number then in effect in the underlined locations indicated below by three (3). Said number shall increase by one (1) immediately, and shall increase to three (3) only after Owner and Operator have been granted special use approval by the City Council for a Video Gaming Establishment on the Subject Properties, and after Owner has satisfied all requirements

of the City Code, and all conditions outlined in Section 2 on the following page.

SECTION 2. Conditions prior to amendment to ten (10) outstanding VGE licenses being permitted:

1. Licensee shall comply with all applicable requirements and apply for a City of DeKalb Liquor License (inclusive of all sublicenses sought) along with a Video Gaming Establishment license including all Video Gaming terminals sought. Said license application shall be subject to review by City staff and shall be subject to approval by the Mayor, as Liquor Commissioner, based upon the recommendations of staff, including but not limited to a recommendation from the Chief of Police based upon the completion of all required background investigations. The license application shall be required to be submitted within thirty (30) days of the date of this ordinance; failure to timely submit an application shall render this ordinance null and void and of no further effect.
2. Upon receipt of the license application, the City shall have such time as is required to review and forward a recommendation to the Liquor Commissioner. In the event that the Liquor Commissioner or the City Council rejects the license application, this ordinance shall be null and void and of no further effect. In the event that the application is timely submitted and is approved by the Liquor Commissioner, then the applicant shall have a period of no longer than six (6) months of conditional licensure (after approval by the Liquor Commissioner) to satisfy all prerequisites contained herein and obtain final, unconditional licensure. The Liquor Commissioner may extend this timeline by up to an additional six (6) months. In the event that Licensee fails to obtain final, unconditional licensure within that time period, the conditional license shall be revoked, and this ordinance shall be null and void and of no further force or effect.
3. After issuance, the license shall be subject to all provisions of the City Code of the City of DeKalb, including those provisions pertaining to the term of an initial issuance of liquor license, renewal of liquor license, and similar provisions, unless specifically waived herein.
4. Final approval of the license shall require approval by the City Council, by virtue of a separately passed resolution, on terms and conditions acceptable to the Council at the time of approval.

SECTION 3. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

SECTION 4. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.


SECTION 5. This Ordinance shall be in full force and effect after passage and publication

pursuant to law. Publication date: May 14, 2019. Effective date: May 23, 2019.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of May 2019 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Fagan, McAdams, Verbic, Faivre, Mayor Smith. Nay: none.

ATTEST:


LYNN A. FAZEKAS, City Clerk


STATE OF ILLINOIS

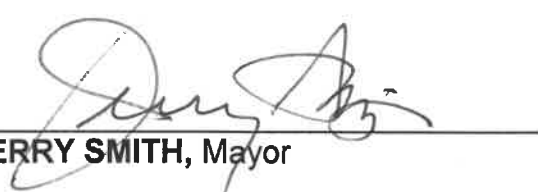

JERRY SMITH, Mayor

EXHIBIT A

Legal Description

LOT 31 IN RIVERVIEW SUBDIVISION, A SUBDIVISION OF PART OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "N" OF PLATS, PAGE 8, IN DEKALB COUNTY, IL.

COMMONLY KNOWN AS: 110-124 E. Hillcrest, DeKalb, IL 60115

PIN: 08-14-329-002

EXHIBIT B

Legal Description

LOT K IN DEKALB SHOPPING CENTER SUBDIVISION, A SUBDIVISION ON SEC. 13
& 14, T.40 N., R.4 E. OF 3RD P.M. CITY OF DEKALB, DEKALB CO., ILLINOIS.

COMMONLY KNOWN AS: 1704 Sycamore Road, DeKalb, IL 60115

PIN: 08-13-151-017