



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, May 21, 2024

10:30 AM

ROOM 3500B

1. CALL TO ORDER

10:30 AM meeting was called to order by Vice Chair Sheila Rutledge at 10:30 AM.

3. ROLL CALL

Member Ozog left the meeting at 10:44 A.M.

PRESENT	Chaplin, Krajewski, Ozog, and Rutledge
ABSENT	Tornatore
REMOTE	Gustin

MOTION TO ALLOW A MEMBER TO PARTICIPATE REMOTELY

Member Ozog moved and Member Chaplin seconded a motion to allow Member Gustin to participate remotely.

RESULT:	APPROVED
MOVER:	Mary Ozog
SECONDER:	Liz Chaplin
AYES:	Chaplin, Krajewski, Ozog, and Rutledge
ABSENT:	Tornatore
REMOTE:	Gustin

4. CHAIRMAN'S REMARKS- CHAIR TORNATORE

Vice Chair Rutledge presided over the meeting in Chair Tornatore's absence.

5. PUBLIC COMMENT

No public comments were offered.

6. MINUTES APPROVAL

RESULT:	APPROVED
MOVER:	Liz Chaplin
SECONDER:	Mary Ozog
AYES:	Chaplin, Krajewski, Ozog, and Rutledge
ABSENT:	Tornatore

REMOTE: Gustin

6.A. [24-1531](#)

Development Committee - Regular Meeting - May 7, 2024

Attachments: [Summary14-May-2024-07-50-15.pdf](#)

RESULT: APPROVED
MOVER: Liz Chaplin
SECONDER: Mary Ozog
AYES: Chaplin, Gustin, Krajewski, Ozog, and Rutledge
ABSENT: Tornatore

7. **REGULATORY SERVICES**

7.A. [FI-R-0090-24](#)

Resolution Authorizing the Addition of One (1) Full-Time Headcount to the Staff of the Building & Zoning Department for the Position of Zoning Administration Coordinator.

Attachments: [Memo to the Development Committee 5-21-2024.pdf](#)
[Authorized Personnel Headcount Revisions 5-14-2024.doc.pdf](#)

RESULT: APPROVED AND SENT TO FINANCE
MOVER: Liz Chaplin
SECONDER: Mary Ozog
AYES: Chaplin, Gustin, Krajewski, Ozog, and Rutledge
ABSENT: Tornatore

7.B. [DC-O-0033-24](#)

An Ordinance to Amend Chapter 3 - Alcoholic Liquor of the DuPage County Code

Jason Blumenthal, Policy and Program Manager, gave an overview of changes to the Liquor Code. He explained with these changes the code will be more conformed with Illinois state statute changes and will be brought up to date with 2019 revocation of the ban of video gaming terminals. He added that these changes are separate from changes that will be made in the Zoning code.

Attachments: [Chapter 3 Alcoholic Liquor - For Committee.pdf](#)

RESULT: APPROVED AND SENT TO FINANCE
MOVER: Liz Chaplin

SECONDER:	Mary Ozog
AYES:	Chaplin, Gustin, Krajewski, and Rutledge
ABSENT:	Ozog, and Tornatore

7.C. [DC-O-0034-24](#)

An Ordinance to Amend Chapter 4 of the DuPage County Code

Mr. Blumenthal explained the proposed changes for video gaming mirrors the State of Illinois Video Gaming Terminal Act. Member Gustin inquired what the benefit would be with changes along with any resources that would be available for addition, if approved. He advised that he could not speak to the mental health aspect, but he could contact the Health Department. He added the terminals are already in place at locations, however we are missing out on revenue source.

Attachments: [Chapter 4 AMUSEMENT DEVICES -For Committee.pdf](#)

RESULT:	APPROVED AND SENT TO FINANCE
MOVER:	Liz Chaplin
SECONDER:	Brian Krajewski
AYES:	Chaplin, Gustin, Krajewski, and Rutledge
ABSENT:	Ozog, and Tornatore

8. OLD BUSINESS

Member Gustin asked about liquor license caps and if an evaluation should be made to change the number of licenses available.

9. NEW BUSINESS

No new business was discussed.

10. ADJOURNMENT

With no further business, the meeting was adjourned at 10:54 A.M.



Minutes

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
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File #: 24-1531

Agenda Date: 5/21/2024

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, May 7, 2024

10:30 AM

Room 3500B

1. **CALL TO ORDER**

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:31 AM.

2. **ROLL CALL**

PRESENT Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

3. **CHAIRMAN'S REMARKS- CHAIR TORNATORE**

No remarks were offered.

4. **PUBLIC COMMENT**

No public comments were offered.

5. **MINUTES APPROVAL**

5.A. [24-1356](#)

Development Committee - Regular Meeting - April 16, 2024

Attachments: [Dev Comm Meeting Minutes Summary 4-16-2024.pdf](#)

RESULT: APPROVED
MOVER: Brian Krajewski
SECONDER: Liz Chaplin
AYES: Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6. **REGULATORY SERVICES**

6.A. [24-1443](#)

Transfer of funds from 1100-2810-53830 (Other Contractual Expenses) \$65,000 to 1100-2810-50000 (Regular Salaries) \$65,000. Budget transfer needed to cover a job reclassification and one (1) additional headcount.

Attachments: [BT \\$65,000 5.7.24](#)

RESULT: APPROVED
MOVER: Sheila Rutledge

SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.B. [24-1444](#)

Essentially in Accord: Z21-085 Stults (Does not require County Board Approval)

Attachments: [Z-23-000016 Stults Essentially in Accord \(04-23-2024\)_Redacted.pdf](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.C. [DC-O-0019-24](#)

ZONING-24-000011 – Cabral: To approve the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building. (Winfield/District 6)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Member Gustin had a question on if the County "grandfathers" any structures. Paul Hoss advised that anything built prior to 1957 relative to zoning is technically grandfathered in. This specific piece of property was previously zoned agriculturally exempt and did not need permits, however pieces of the property were sold off and it is now less than 5 acres and no longer qualifies for the exemption.

Attachments: [Z-24-000011 Cabral Cty. Bd. \(05-14-2024\)_Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Mary Ozog
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.D. [DC-O-0020-24](#)

ZONING-24-000018 – Roman (a): To approve the following zoning relief:

- 1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

ZONING-24-000018 – Roman (b): To approve the following zoning relief:

- 2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft. . (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

ZONING-24-000018 – Roman (c): To approve the following zoning relief:

- 3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft. (Downers Grove/ District 3)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Forwarded to County Board as three separate items.

Attachments: [Z-24-000018 Roman Dev. Com. \(05-07-2024\)_Redacted.pdf](#)

RESULT: NO ACTION REQUIRED

[DC-O-0030-24](#)

ZONING-24-000018 – Roman (a): To approve the following zoning relief:

- 1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

Attachments: [Z-24-000018 Roman Cty. Bd. \(05-14-2024\)_Redacted.pdf](#)

RESULT: RECOMMENDED TO DENY (DEVELOPMENT ONLY)

MOVER: Patty Gustin

SECONDER: Sheila Rutledge

AYES: Krajewski, and Rutledge

NAY: Chaplin, Gustin, Ozog, and Tornatore

DC-O-0031-24

ZONING-24-000018 – Roman (b): To approve the following zoning relief:
2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft. . (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)
ZHO Recommendation to Deny
Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

RESULT:	RECOMMENDED TO DENY (DEVELOPMENT ONLY)
MOVER:	Patty Gustin
SECONDER:	Liz Chaplin
AYES:	Krajewski, and Rutledge
NAY:	Chaplin, Gustin, Ozog, and Tornatore

DC-O-0032-24

ZONING-24-000018 – Roman (c): To approve the following zoning relief:
3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft. (Downers Grove/ District 3)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.E. **DC-O-0021-24**

ZONING-24-000020 – Sanchez: To approve the following zoning relief:
1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition. (Downers Grove/District 3)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Attachments: [Z-24-000020 Sanchez Cty. Bd. \(05-14-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Patty Gustin
SECONDER:	Liz Chaplin

7. OLD BUSINESS

Member Lucy Chang Evans who was in attendance had a question about residents that will not mow their grass. Paul Hoss stated that all the Townships have a weed cutting program.

Member Rutledge advised the Committee that the City of Chicago has no limit on the number of hens or roosters allowed on a residential property.

8. NEW BUSINESS

No new business was discussed.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 10:42 A.M.



Finance Resolution

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: FI-R-0090-24

Agenda Date: 5/21/2024

Agenda #: 9.C.

RESOLUTION
REVISION TO PERSONNEL BUDGET
(BUILDING & ZONING DEPARTMENT)

WHEREAS, the DuPage County Board has approved personnel budgets for all County departments;
and

WHEREAS, there are times when it is necessary to revise those budgets to insure efficient and effective County operations.

NOW, THEREFORE, BE IT RESOLVED that the Personnel Budget for the Building & Zoning Department be revised to reflect the addition of;

Full-Time

1100-2810 50000 (1) Zoning Administration Coordinator
Process Level CB091
Grade 312
Salary Range \$58,070.37 - \$96,783.95

BE IT FURTHER RESOLVED that the County Clerk be directed to transmit copies of this resolution to the County Board and the Human Resources Department.

Enacted and approved this 28th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/edp

MEMORANDUM

TO: DuPage County Development Committee
FROM: Jim Stran – Building & Zoning Manager
DATE: May 21, 2024
RE: Request for Additional Headcount

Action Requested: *The Building & Zoning Department is requesting the addition of one new headcount, Zoning Administration Coordinator.*

Periodically the Building & Zoning Department reviews and recommends updates to the departmental staffing plan. The overall staff presently consists of 30 members. Currently the Planning & Zoning Division incorporates a Planning & Zoning Administration Coordinator, a Zoning Administration Coordinator, and an Administration Specialist.

In recent years, the level of work performed by the Building & Zoning Department has increased steadily. Since 2013 the department has seen increases in all metrics we monitor. Typical examples of these increases are building permits issued in 2013 were 2,750 in 2023 3,069. Customers served in 2013 10,791 and in 2023 15,719, adjudication hearings in 2013 174 new cases in 2023 351 new cases, and inspections in 2013 14,369 in 2023 18,418.

Additionally, the Planning & Zoning Division has initiated the Neighborhood Revitalization program, Community Rating System Program, coordinated multiple Local Technical Assistance Grants through CMAP, represented the County at local TIF District meetings, and been the staff liaison to the County Board for multiple Ad-Hoc Committees.

While this expansion in the workload has been occurring the Planning & Zoning Division staff has not had their staff increased. It is the request of the department that we be allowed to increase this area by one headcount. The position we are requesting will be an additional Zoning Administration Coordinator. The total cost of this new position, including benefits, will be \$119,475.00. Funding for this position is available within the Building & Zoning budget.

Authorized Personnel Headcount Revision

Department Name: Building & Zoning Department Dept. Fund and Number: 1100-2810 Parent Committee Approval: Development Committee

Addition or Deletion/#	Status	Job Code	Job Title / Salary Grade	Bi-Weekly Hrs.	Salary Range			Actual / Hiring Salary	Benefit Cost	Total Annual Cost
					Min	Mid	Max			
Addition	1010	5249	Zoning Administration Coordinator Grade 312	75	\$58,070.37	\$77,428.19	\$96,783.95	\$88,500.00	\$30,975.00	\$119,475.00
					Min	Mid	Max			
					Min	Mid	Max			
					Min	Mid	Max			
					Min	Mid	Max			

Status:
Full-Time: 1010
Part-Time: 1070
Temporary: 1040

Benefit Cost:
Full-Time: 35%
Part-Time: 15%
Temporary: 8%

Reason for Changes: Additional Headcount

Net Cost: \$119,475.00
OR
Net Savings: _____

Department Head/Elected Official Authorization: _____
Human Resources Authorization: _____



File #: DC-O-0033-24

Agenda Date: 5/21/2024

Agenda #: 11.B.

AN ORDINANCE TO AMEND
CHAPTER 3 - ALCOHOLIC LIQUOR
OF THE DUPAGE COUNTY CODE

WHEREAS, pursuant of the Liquor Control Act of 1934 (235 ILCS 5/4-1), a county board has the authority to determine and regulate the amount and classification of liquor licenses awarded in the county so long as it does not conflict with state law; and

WHEREAS, DuPage County recognizes the need to periodically review and update its ordinances to reflect changing circumstances and best practices; and

WHEREAS, the DuPage County Liquor Code plays a crucial role in regulating the sale and distribution of alcoholic beverages within the county, ensuring the responsible consumption and enforcement of liquor laws; and

WHEREAS, after careful consideration and consultation with relevant stakeholders, it has been determined that certain amendments to the DuPage County Liquor Code are necessary to enhance its effectiveness and alignment with current regulatory standards; and

WHEREAS, the objectives of amending the liquor code are to support the aspirations of local businesses and to enhance the overall experience for residents and visitors; and

WHEREAS, definitions were added and amended to clarify and update terminology and to better reflect those outlined in the DuPage County Zoning Ordinance; and

WHEREAS, outdated and unnecessary classes were removed while preexisting classes were amended to accommodate evolving business models and community needs while ensuring compliance with state regulations; and

NOW, THEREFORE, BE IS RESOLVED, that the DuPage County Board approves the amendments as attached to this resolution as EXHIBIT A; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to prepare and distribute copies of this resolution to the Business and Zoning Department, County Board Office, and State’s Attorney’s Office; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its passage and approval by the DuPage County Board.

Enacted and approved this 28th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

Chapter 3 ALCOHOLIC LIQUOR

ARTICLE I. CONSTRUCTION

3-1: NAME OF ~~ACT~~Chapter; ~~SHORT TITLE~~.

~~(A) (A) — **Short Title.** This chapter may be cited to and referred to as the DuPage County Liquor Ordinance.~~

~~— **Reference to State Statute.** Whenever reference herein is made to the Illinois Liquor Control Act of 1934, or to "the Act," it shall mean and refer to "an act relating to alcoholic liquors," approved January 31, 1934, in force February 1, 1934, as amended, 235 Illinois Compiled Statutes 5/1-1 et seq.~~

~~(B) — **Short Title.** This chapter may be cited to and referred to as the DuPage County Liquor Ordinance.~~

3-2: DEFINITIONS.

A. All words and phrases shall have the same meaning as the same or similar words or phrases defined by and used in the Liquor Control Act of 1934.

B. As used in this chapter, unless the context clearly requires otherwise, the following terms are defined as follows:

(1) **Bar:** A fixed or mobile station for serving liquor, located on premises which have a valid liquor license in effect under this ordinance or its amendment.

(2) **Corporations:** means any entity organized under the laws of this state or any other as a corporation, including a not for profit corporation, limited liability company, or limited partnership authorized to do business in Illinois.

(3) **Commissioner:** means the Local Liquor Control Commissioner for the unincorporated area of DuPage County.

~~(4) **Manager or Agent:** Any person, designated by the licensee, whom conducts and is responsible for the business of the licensee.~~

~~(45) **Place of worship:** Any property whose primary, permanent, and dedicated purposes is to the act of religious worship; such as a church, mosque, synagogue, temple or any similar building or structure.~~

~~(56) **Premises:** The place of business, room, shop, or area including all rooms and facilities appurtenant thereto wherein alcoholic liquor is offered for sale in any form.~~

~~(67) **Renewal:** The application by a licensee for the same class license, for the subsequent year.~~

~~(8) **Restaurant and Tavern:** shall be defined as set forth in the DuPage County Zoning Ordinance. **means**~~

~~(9) **Tavern** shall be as defined in the DuPage County Zoning Ordinance.~~

~~(10) **Video Gaming Café** shall be defined as set forth in the DuPage County Zoning Ordinance.~~

C. All words and phrases shall have the same meaning as the same or similar words or phrases defined by The Video Gaming Act, (230 ILCS 40) and the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq).

3-3: SEVERABILITY.

The articles, provisions and sections of this article shall be deemed separable and the invalidity of any portion of this article shall not affect the validity of any article, provision or section of the remainder.

ARTICLE II. DU PAGE COUNTY LIQUOR CONTROL COMMISSIONER

3-4: DU PAGE COUNTY LOCAL LIQUOR CONTROL COMMISSIONER.

- (A) **County Board ~~Chairman-Chair~~ Is Commissioner.** The ~~Chairman-Chair~~ of the DuPage County Board, State of Illinois, shall be the Local Liquor Commissioner. He or she may appoint a person or persons to assist him in the exercises of the powers and the performance of ~~his-their~~ duties as commissioner.
- (B) **County Clerk Is Secretary.** The Clerk of DuPage County shall keep the records of the Commissioner. The role of the Clerk will be to take minutes of Liquor Control Commission meetings, print the liquor license for the Liquor Commissioner, and distribute signed licenses to the licensee.
- (C) **Agents Of The Commissioner.** The Commissioner may designate the following individuals as agents of the Commissioner for enforcing the provisions of this ordinance:
- (1) The Sheriff and his or her deputies with the consent of the Sheriff.
 - (2) The Coroner and his or her deputies with the consent of the Coroner.
 - (3) The State's Attorney and his or her assistants and special investigators with the consent of the State's Attorney,
 - (4) Staff members of the County ~~Department of Economic Development and Planning, Regulatory Services Division~~Board Office or Building and Zoning Department, and
 - (5) Any other person the Commissioner may designate as evidenced by his or her filing a copy of such appointment with the office of the County Clerk within five (5) days of such appointment.

3-5: APPLICATION OF ORDINANCE; ADOPTION OF STATE LAW.

- (A) **Application of Ordinance.** This ordinance and the authority it confers to various officers and entities shall apply to:
- (1) To all areas in DuPage County that lies within the corporate limits of the County and outside of the corporate limits of any municipality therein without limitation; and
 - (2) To any area within the corporate limits of a municipality that, through intergovernmental agreement, has authorized the County to regulate the retail sale of alcohol to such territory within the municipality's boundaries in the manner and to the extent authorized by such agreement.
- (B) **Adoption of State Law.** The County adopts, and makes a part of this Article, any and all sections of 235 ILCS 5 (hereinafter the Liquor Control Act of 1934) as amended; 230 ILCS 40 (hereinafter the Video Gaming Act) as amended, and incorporated into the DuPage County Liquor Ordinance.

3-6: POWERS AND DUTIES.

- A. ***Powers and Duties of the Commissioner:*** The Commissioner and his or her assistants or agents, in addition to the powers and duties herein given and provided, shall have all the powers and duties as provided for in the Illinois Liquor Control Act of 1934.
- B. ***Rule Making Power:*** The Commissioner shall make such reasonable rules as may be necessary in the performance of his or her duties and may prescribe the form of the application which each prospective licensee shall sign prior to receiving a liquor license. Additionally, the Commissioner may require the use of an online application or licensing software to carry out these tasks.
- C. ***Hearings:*** A hearing before the Commissioner may be called at the direction and by the authority of the Commissioner by giving five (5) days' notice in writing to each licensee whose license shall be the subject of such hearing. The Secretary to the Commissioner shall send written notice of such hearing to the licensee at the licensed premises.

3-7: DURATION OF APPOINTMENTS.

Appointees of the Commissioner shall serve ~~as at~~ the Commissioner's pleasure. In the event the Commissioner has a change in Office Holder appointees shall be reappointed by virtue of a memorandum which shall be filed with the County Clerk.

3-8: FILING OF APPOINTMENTS.

The Commissioner shall file a copy of the appointment of any persons the Commissioner appoints to assist him or her in the execution of his or her duties in the office of the County Clerk within five (5) days after their respective appointments.

ARTICLE III. LICENSES; CLASSIFICATION, NUMBER, FEES AND REGULATIONS

3-9: REQUIREMENT OF RETAIL LIQUOR LICENSE.

- (A) No person shall sell, barter, transport, deliver, solicit or receive orders for, keep or expose for sale, keep with intent to sell, or furnish any alcoholic liquor for beverage purposes for sale at retail, in any of the territory subject to the provisions of this chapter, without first having a valid retail liquor license issued by the Commissioner.

3-10: GRANTING OF RETAIL LIQUOR LICENSE.

No retail liquor license shall at any time after the effective date hereof be granted by the Commissioner except as hereinafter provided.

3-11: PLACE OF BUSINESS; CHANGE OF LOCATION.

- A. Any license issued hereunder, ~~except a Class J license,~~ shall embrace only one (1) premises. A Class J license shall permit the sale of alcoholic liquor in any premises described in the application and license which are in compliance with the provisions and regulations of this article.
- B. A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such premises may be changed only when and upon the written permit to make such

a change shall be issued by the Commissioner. A licensee shall not transfer to a new premise unless the proposed new premises is in compliance with the provisions and regulations of this article.

- C. A license issued hereunder shall permit the sale of alcoholic liquor only in the name of business described in the application for license. Such name may be changed only when and upon the written permit to make such a change shall be issued by the Commissioner.

3-12: CLASSIFICATION OF RETAIL LIQUOR LICENSES.

The Commissioner may grant retail liquor licenses for the selling at retail of alcoholic liquor for the period beginning on July 1 of any year, and ending on June 30 of the next or succeeding year. Such licenses shall be and are hereby divided into the following classes and none other:

Class A - Package Store: Such license shall only permit retail sale of alcoholic liquor, in its original sealed packages, but not for consumption on the premises where sold and not for resale in any form. No retail consumption is allowed on the premises except for a Class A establishment that receives a Class G2 license. Additionally, Class A license holders must comply with all requirements of this license and a Class G2 license including receiving the appropriate zoning requirements of having multiple uses on a property.

Class B - Tavern and Restaurants: Such license shall permit the retail sale of alcoholic liquor for consumption on the premises where sold and not for resale in any form. In the case of a restaurant, said license shall be issued to premises which conform to the definition of a restaurant as defined in the Liquor Control Act. A Class B licensee shall comply with all zoning requirements of a Restaurant and or Tavern as defined in the County Zoning Code.

Class C - Hotels and Recreational Facilities:

- A. **Hotels:** Such license shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, to be issued to premises which conform to definition of a restaurant or hotel as defined in the Liquor Control Act.
- B. **Recreational Facilities:** Such license shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, to be issued to premises which facilitate athletic or sporting events. Service of alcoholic liquor shall be only during the time that the athletic or sports portion of the facility are open and available for use.

Class D - Additional Bar: Such license shall permit a holder of a class B, C, or F license to operate an additional bar on the licensed premises, and shall be issued on the same qualifications and terms and conditions required for the original license under which license was granted. A separate class D license must be obtained for each additional bar.

Class E1 - Temporary License; Daily: Such license shall permit the licensee to sell, at retail, alcoholic liquor for a twenty-four (24) hour period for each class E1 license, for consumption only on the premises where sold, and not for resale in any form, to be issued for temporary stands, booths, or counters such as used at picnics, celebrations, and the like excluding the serving of alcoholic liquor under the control of persons or entities who can demonstrate that they are operating a bona fide restaurant or catering business and are licensed to sell alcohol at retail in the State.

Class E2 - Temporary License; Wine/Champagne/Alcoholic Beverage Tastings: A Class E2 license shall only be issued to licensed premises holding a Class A, B, C, ~~or F~~, G1, or G2 license and shall: permit the licensee to conduct wine, champagne and other alcoholic beverage tastings at the licensed premises for a twenty-four (24) hour period for consumption only on the premises where conducted and not for retail sale of samples and not for resale in any form, except that the holder of an E2 license may offer original sealed packages of the alcoholic beverages offered for tasting for consumption off the licensed premises and not for resale in

any form during the time such E2 license is in effect. A licensee holding an E2 license may charge a single fee to cover the expenses of the tastings.

In addition to the other requirements of this chapter, a class E2 license shall only be issued to persons who can demonstrate that they are conducting a bona fide wine/champagne/alcoholic beverage tasting event.

Class F - Clubs: Such license to sell alcoholic liquor at retail may be granted to any social or fraternal corporation of national scope, organized not for profit, provided that sales on such premises shall be limited to members of the licensee and their guests, and the licensee shall not operate a public tavern under such license.

Class G1 -- ~~Reserved~~ Video Gaming Terminal Cafe. Such license shall permit the retail sale of alcoholic liquor for consumption on the premises. This license shall be for establishments whose primary purpose is for a Video Gaming Terminal Café or location in which the main portion of the business is in accordance with 230 ILCS 40 Video Gaming Act. Applicants must comply with all zoning requirements to qualify for this license.

Class G2 – Additional Video Gaming Terminal Bar: Such license shall only be issued for an establishment who possesses a Class A liquor license and meets the qualifications for a Video Gaming under State Law. Additionally, such a license shall permit the retail sale of alcoholic liquor for consumption on the premises. Consumption should only occur in a specific location within the establishment that is separate and apart from the normal business operations. The location of the additional bar must be within the view of an employee of the license holder at all times. A site plan must be included in the application showing how the additional bar will be sectioned off from the remainder of the establishment.

Class H – ~~Reserved~~. Catering License: Such license shall permit the licensee to sell alcoholic liquor for a twenty-four (24) hour period for each class H license in connection with providing catering services to a location in the unincorporated area of the County. Such sale shall only be made at the registered office of the licensee, which shall be the license premises. Alcoholic liquor shall be sold and served by the licensee in connection with the catering of foods for consumption only on the premises where food is catered and not for resale in any form. The Commissioner shall only issue a Class H license to persons or entities who can demonstrate that they are operating a bona fide restaurant or catering business and are licensed to sell alcohol at retail in this State.

Class I – ~~Reserved~~. Catering License: Such license shall permit the licensee to sell alcoholic liquor for a twenty-four (24) hour period for each class I license in connection with providing catering services to a location in the unincorporated area of the County. Such sale shall only be made at the registered office of the licensee, which shall be the license premises. Alcoholic liquor shall be sold and served by the licensee in connection with the catering of foods for consumption only on the premises where food is catered and not for resale in any form. The Commissioner shall only issue a Class I license to persons or entities who can demonstrate that they are operating a bona fide restaurant or catering business and are licensed to sell alcohol at retail in this State.

Class J -- ~~Reserved~~. Public Community Colleges: Such license shall permit the licensee to sell alcoholic liquor at any and all locations on the main campus of a public community college. The retail sale of alcoholic liquor is subject to licensure by the Commissioner. The Class J license shall permit the license holder to sell and dispense alcohol as part of the educational curriculum and as permitted in Classes B, C, D, E1, E2, G, and I of Section 3-12 of the DuPage County Code for both established indoor and outdoor locations. The license applicant shall provide the Commissioner its rules and procedures to allow the sale of liquor to be utilized in an educational program in full conformance with the state and local regulations regarding alcoholic liquor, except during the first year following this provision's adoption when the license applicant shall make such submittal within one hundred twenty (120) days of issuance of a Class J license. Licensee may only conduct outdoor sales of alcohol at established outdoor venues on the main campus between the hours of 9:00 a.m. and 11:00 p.m. All individuals allowed to sell alcoholic liquor shall be required to successfully complete a state-certified beverage alcohol sellers and servers education and training program. A Class J license shall

~~only be issued to a public community college organized under the Public Community Colleges Act, 110 ILCS 805, et seq. A Class J license authorizes the retail sale of alcohol at multiple bars at the licensed premises without the requirement of additional Class D licenses. The consumption of alcohol is only permitted at the defined premise and venue where the sale and/or service of alcohol occur.~~

3-13: NUMBER OF LICENSES.

- A. No more than twenty-five (25) class A licenses shall be issued in any one (1) license year.
- B. No more than one hundred (100) class B licenses shall be issued in any one (1) license year.
- C. No more than ten (10) class C licenses shall be issued in any one (1) license year.
- D. No more than six (6) class E1 licenses shall be issued to any person, organization or person representing any organization in any one (1) license year.
- E. No more than two (2) class F licenses shall be issued in any one (1) license year.
- ~~F. No more than fifteen (15) class G1 licenses shall be issued in any one (1) license year.~~
- ~~G. No more than fifteen (25) class G2 licenses shall be issued in any one (1) license year.~~
- ~~FH. No more than one hundred (100) class H licenses shall be issued in any one (1) license year to any one (1) licensee.~~
- ~~G. No more than one (1) class J license shall be issued in any one (1) license year.~~

3-14: FEES FOR LICENSES AND RENEWAL FEES.

The fee for any of the licenses hereinafter set forth shall accompany the application for such license. No license, or renewal of any license, may be issued until the fee therefor has been paid. Pursuant to 55 ILCS 5/4-4001 the County Clerk shall receive \$5 fee for the issuance of each liquor license. The remainder of the fee's shall be entered into the appropriate budget as determined by the annual County Budget. Application fees are nonrefundable.

The application and renewal fees for class B, C ~~and~~, D, G1, and G2 licenses shall be accompanied with proof of completion of a state certified beverage alcohol sellers and servers education and training program (hereinafter "BASSET") for server's of alcoholic beverages. Within ninety (90) days of employment, a server of alcoholic beverages shall complete a BASSET program. A photocopy of the certificate of completion must be filed with the Commissioner. All certificates of completion shall be maintained in the manager's office on the premises of the liquor establishment.

Class	License Type	Application Fee	Initial Fee	Renewal Fee
A	Package Store	\$1,000.00	\$2,250.00	\$2,250.00
B	Restaurant and tavern	1,000.00	2,250.00	2,250.00
C	Hotel or motel	1,000.00	2,400.00	2,400.00
D	Additional bar supplemental to B or C	n/a	200.00	200.00
E	Temporary daily license	n/a	50.00	n/a
F	Clubs	n/a	375.00	375.00
<u>G1</u>	<u>Video Gaming Terminal Cafe</u>	<u>1,000.00</u>	<u>2,250.00</u>	<u>2,250.00</u>
<u>G2</u>	<u>Additional Video Gaming Terminal Café</u>	<u>1,000.00</u>	<u>\$200.00</u>	<u>\$200.00</u>
<u>H</u>	Catering	n/a	100.00	n/a

↓	Public Community Colleges	1,000.00	-5,850.00	-5,850.00
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For fees regarding Video Gaming Terminals and regulations refer to Chapter 4 (Video Gaming Terminals) of the DuPage County Code, as may from time to time be amended.

3-15: CERTIFICATION BY COUNTY DEPARTMENTS.

- (A) At the time of the application for license or renewal, the applicant shall submit a certification from the DuPage County Health Department, from the DuPage County ~~Economic Development and Planning Building and Zoning~~ Department (~~EDP~~~~(B&Z)~~) that the proposed licensed premises are in conformity with all of the regulations and ordinances of DuPage County. Further, it shall be a condition of the granting of any liquor license that the geographical location of premises upon which the license is to be exercised shall conform: a) to all the provisions and regulations made pursuant to the authority vested in the DuPage County Board relating to building and zoning and administered by the ~~EDPB&Z~~, and b) to all the provisions and regulations made pursuant to the authority vested in the County Board and the Board of Health and administered by the DuPage County Health Department. In addition, the applicant shall submit a certification from the Sheriff that the proposed licensee is in conformity with all the regulations and ordinances of DuPage County and laws of the State of Illinois.
- (B) In making the certifications set forth in paragraph (A) of this section, a County department may, but is not required to, rely on certifications made by other governmental entities, including, but not limited to fire protection districts.

3-16: FINGERPRINTS.

No license shall be issued hereunder until the applicant shall have been investigated by the Commissioner and the Commissioner files approving the issuance of such license. As a part of this investigation, the Commissioner shall require all new applicants and shall have the right to require fingerprints of any applicant for renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. For purposes of obtaining fingerprints under this section, the Commissioner shall collect a fee and forward the fee to the County Sheriff who shall submit the fingerprints and the fee to the Illinois Department of State Police and Federal Bureau of Investigation. A copy of fingerprints shall be held on record by the Sheriff of DuPage County, and a signed affidavit from the Sheriff of DuPage County showing compliance with the prohibitions as stated in this article.

3-17: NUMBER OF RETAIL LIQUOR LICENSES.

All lawful retail liquor licenses of class A, class B, class C and class F issued and in force on June 30, 1988, shall be renewed or reissued upon strict and full compliance with the ordinances of the County Board, in effect at the time of the application for such renewal or reissue, but no new retail liquor license, (other than a renewal or reissue as hereinafter provided) shall at any time hereafter be granted or issued until the number of licenses in force at the time shall be less than twenty (20) for class A, one hundred (100) for class B, ~~and ten (10) for class C, fifteen (15) for class G1, twenty five (25) for class G2,~~ and whereupon such new licenses shall be issued from time to time to lawful applicants upon full compliances by the applicant with the regulations and ordinances of the DuPage County Board in force at the time of the application for such license, until the total number of retail liquor licenses shall be issued to such lawful applicants as the Commissioner shall in his or her discretion deem most desirable.

3-18: LAPSE OF LICENSE FOR NONUSE.

If a retail liquor license is issued in accordance with the above terms and held by said licensee without the licensee being in actual operation of said business at any time during the course of said year or without having premises for the operation of said business, said premises to be approved by the Commissioner, then, the license so issued shall automatically become null and void.

3-19: LAPSE OF LICENSE FOR MERGER INTO ANOTHER LIQUOR JURISDICTION.

If the premises for which a retail liquor license has been issued by the Commissioner by reason of annexation or otherwise comes within the jurisdiction of any other liquor control commissioner or commission and a license issued from said other jurisdiction to the holder of the DuPage County license in effect hereunder, then the said DuPage County license shall automatically become null and void.

3-20: WAIVER OF LICENSE APPLICATION REQUIREMENTS.

The Commissioner may, at his or her discretion, waive all, or part, of the license application requirements for sections 3-15 and 3-16 of this article, during a license year, for all persons making an application for a liquor license for any one (1), or several, classes of liquor license. [Where there is an involuntary change in ownership of a liquor license owner, for example, due to death, the Commissioner may waive application fees associated with the updated license application for the new owner.](#) Such waiver shall be made by written rule promulgated by the Commissioner, prior to the beginning of a license application period, pursuant to the Commissioner's authority under section 3-6 of this chapter.

3-21: PROHIBITED LIQUOR LICENSE HOLDERS.

No retail liquor license shall be issued to or held by:

- A. A person who is not a resident of the County of DuPage.
- B. A person who is not a citizen of the United States of America.
- C. A person who has been convicted of a felony, or who has been convicted of two (2) or more criminal misdemeanors other than for a traffic violation within the two (2) years next preceding his application.
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame.
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
- F. A person whose license, issued under this article or under the State Liquor Control Act, has been revoked for cause.
- G. A person who or corporation which at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
- H. A co-partnership, unless all the persons forming a part of such co-partnership shall be qualified to obtain a license, except that only one (1) partner shall be required to be a resident of DuPage County.
- I. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate amount of five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within DuPage County.
- J. A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.

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- K. A corporation unless its place of business is supervised by a manager or agent, who is a resident of DuPage County, present on the premises at least forty (40) hours per week, at least fifty (50) weeks per year.
 - L. A person, corporation or association whose place of business is supervised by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.
 - M. A person, corporation or association which does not own the premises for which a license is sought or does not have a lease thereof for the full period for which the license is to be issued.
 - N. Any person, association or corporation not eligible for a state retail liquor license.
 - O. Any individual, corporation, partnership, organization, association or society for more than two (2) premises, provided, however, that if through error or mistake more than two (2) licenses shall be issued to any individual, corporation, partnership, organization, association or society for more than two (2) premises, then sufficient licenses shall be revoked by the DuPage County Liquor Commission so that the number remaining shall be two (2).
 - P. Any law enforcing public official, any mayor, alderman, or member of the city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a County Board, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance as such license is approved by the state liquor control commission.
 - Q. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this article or has forfeited his bond to appear in court to answer charges for any such violation.
 - R. A person who is not a beneficial owner of the business to be operated by the licensee.
 - S. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 2012 or a similar offense under any former Illinois statute or statute of another State.
 - T. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
 - U. A corporation to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
 - V. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period.
 - W. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

3-22: VIOLATION OF RETAILERS' OCCUPATION TAX ACT.

In addition to other grounds specified in this article, the Commissioner, on a complaint of the Department of Revenue of the State of Illinois, may refuse the issuance or renewal of a retailer's license, or suspend or revoke such license, for any of the following violations of the "Retailer's Occupation Tax Act," approved June 28, 1933, as amended:

- A. Failure to make a tax return.
- B. The filing of a fraudulent tax return.

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- C. Failure to pay all or part of any tax or penalty finally determined to be due.
 - D. Failure to keep books and records.
 - E. Failure to secure and display a certificate or sub-certificates of registration.
 - F. Willful violation of any rule or regulation of the Department of Revenue, of the State of Illinois, relating to the administration and enforcement of tax liability.

3-23: LICENSES SUBJECT TO CHANGES BY LIQUOR COMMISSIONER.

Any and all licenses issued pursuant to this article shall be subject to any and all changes or amendments which may be hereafter made, and any and all rules adopted by the Commissioner.

3-24: INSURANCE REQUIREMENTS.

No license shall be issued to any person, association or corporation that cannot produce a policy of insurance in a solvent and responsible company authorized to do business in the State of Illinois insuring said person, association or corporation against liability for any injury or death which said parties may incur while operating under the provisions of the Illinois Liquor Control Act of 1934 and this article, in the amount of one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury liability; one hundred thousand dollars (\$100,000.00) for loss of means of support.

Each applicant shall show by evidence satisfactory to the Commissioner, the issuance of a policy of liquor liability insurance, and in the event he is not the owner of the premises described in said application, that he has a lawful right to possession of the same until the expiration of the term of license for which application is made.

Each licensee shall furnish the Commissioner, the Declarations page of their insurance policy and in the event of cancellation, shall immediately suspend all business activity and take the necessary steps to purchase, maintain, and provide the required insurance coverage. If a suspension of business should occur due to insurance requirements, upon verification by the Commissioner of the required insurance coverage, the Commissioner shall notify the licensee that they may resume all business activities. Failure to provide and maintain the required insurance coverage could result in the immediate cancellation of the license and the licensee shall accept and bear all costs that may result due to their failure to provide and maintain the required insurance.

ARTICLE IV. APPLICATION

3-25: FILING OF APPLICATION.

Application for any such license hereinabove provided for shall be made to the Commissioner on application forms he or she provides, filed with the Clerk, or at the discretion of the Liquor Commissioner administrative rules of an online portal housed with another county department, and shall contain the statements and information required by the Commissioner.

3-26: APPLICATION REQUIREMENTS.

Application for such licenses shall be made to the Commissioner, in writing, signed by the applicant if an individual, all the partners, if a partnership, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information. {This does not preclude the signature from being in an electronic format through an online submission portal}.

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- A. The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the names and address of the officer and directors and if a majority interest of the stock of such corporations is owned by one (1) person or his nominee, the name and address of such person. In the case of a public community college, the names and addresses of the officials responsible for the management and operations of the facilities at which alcoholic liquor or beverages shall be stored, distributed, furnished or sold.
 - B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
 - C. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
 - D. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
 - E. The location and description of the premises or place of business which is to be operated under such license.
 - F. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
 - G. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of this state, or the ordinance of this County.
 - H. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.
 - I. Should any applicant for a license make a false or fraudulent statement in such affirmation, the same shall be cause for revocation by the DuPage County Liquor Commissioner for such license previously issued and shall be cause for denial of issue or reissue of such license.

3-27: SIGNATURE OF CORPORATION.

When any applicant for license is a corporation, said application shall be signed by the president and secretary thereof, and should the applicant be a partnership, then each and every member of the partnership (including a silent partner if any) shall sign such application. [\(This shall not preclude the signature from being in an electronic format through an online submission portal\).](#)

ARTICLE V. LICENSES; TRANSFER OR RENEWAL

3-28: RENEWAL BY OWNER.

Each license issued hereunder shall terminate on June 30 following the issuance thereof. Any licensee may renew such license at the expiration thereof, provided that it is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Commissioner or County Board from decreasing or limiting the number of classes of licenses to be issued within the County.

3-29: APPLICATION FOR RENEWAL.

All applications for renewal of any license shall be made on or before thirty (30) days prior to expiration thereof. Failure to make timely application shall cause the license not to renew.

3-30: TRANSFER LICENSE; DEATH OF OWNER.

- (A) A license shall be a purely personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked as in this article provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.
- (B) Such license shall cease upon the death of the licensee or upon the dissolution of a partnership or corporation or upon the bankruptcy thereof and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, may continue the business of the sale of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt or bankruptcy, until the expiration of such license, but not longer than six (6) months after the death, bankruptcy, or insolvency of such licensee. [Where such inheritor or new owner is eligible for a liquor license, an application may be submitted for a license and request a waiver of fees by the Commissioner.](#)
- (C) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate. When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent (5%) of the stock resulting in the holding of office of such shares of stock by one who is not eligible for a license, said license shall terminate.
- (D) Any changes in partnership, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Commissioner within thirty (30) days of the change.

3-31: INTEGRATION OF PREEXISTING LICENSES.

Any valid license in effect at the time of the adoption or amending of this article should not be subject to the increased license fees as promulgated by this article. ~~Additionally, the valid license shall comply with the rules as approved when the license is issued. Only upon the entering of the new liquor license year shall any amendments be in effect. The~~ Unless specifically noted as taking immediate effect, any amendments to this Code shall take effect on the beginning of the new liquor license. Liquor Commissioner and County Board do reserve the right to make necessary changes as it relates to the public safety that will then be considered in effect immediately. However, notice will be given to affected license holders. ~~However, at the time of the expiration or revocation of any valid license in effect at the time of the adoption of this article, a renewal, if any, should be subject to all the provisions, rules and regulations and the fee schedule as promulgated by this article.~~

ARTICLE VI. PENALTIES OR SUSPENSION OF LICENSES; FINES

3-32: PENALTIES.

The Commissioner may revoke or suspend any license issued hereunder upon a determination that the license has violated any provision of this article, or of the Illinois Liquor Control Act of 1934, or any valid resolution

or ordinance enacted by the DuPage County Board, or any applicable rule or regulation established by the Commissioner or by the Illinois Liquor Control Commission. A period of suspension may not exceed thirty (30) days for each violation, and during such period no alcoholic liquor shall be sold on said licensed premises. In addition to suspension or revocation, the Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation. Each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of the license. Proceeds from such fines shall be paid ~~into~~into the general corporate fund of DuPage County.

3-33: COMPLAINT OF VIOLATION; HEARING.

The Sheriff, the State's Attorney, any five (5) residents of the County, or the Commissioner on his or her own motion, shall have the right to initiate a complaint stating that any licensee, subject to the jurisdiction of the Commissioner, has been or is violating the provisions of this article or the rules or regulations issued pursuant hereto. Such complaint shall be in the form prescribed by the Commissioner and shall be signed and sworn to by the party or parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the Commissioner is satisfied that the complaint substantially charges a violation and that the facts alleged there is reasonable cause for such belief, he or she shall set the matter for hearing and shall serve as notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

3-34: CONVICTION; FORFEITURE OF LICENSE, MONIES AND LICENSE REVOCATION.

Whenever any licensee shall have been convicted by any court of a willful violation of any of the provisions of this article, the licensee shall, in addition to the penalties for such offense, incur a forfeiture of the licensee's license and all monies that have been paid therefor; the Commissioner may thereupon revoke the licensee's license.

3-35: HEARINGS AND APPEALS.

No such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Commissioner with a five-day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public according to the provisions of the Open Meetings Act and the Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community the commission or commissioner may, upon the issuance of a written order stating the reason for such conclusion and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall so be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

Review of decisions of the Commissioner shall be as provided for 235 ILCS 5/7-9, as hereafter may be amended, and shall be a review of the hearing conducted by the Commissioner.

3-36: ASSESSMENT OF COST OF HEARINGS.

- (A) Any licensee determined by the Commissioner to have violated any of the provisions of the Illinois Liquor Control Act of 1934, or any ordinance or resolution of the County, or any rule or regulation established by the Commissioner, or the State Commission, shall in addition to suspension, revocation or fine pay to the County of DuPage the costs of the hearing before the Commissioner on such violation.

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- (B) The Commissioner shall determine the costs incurred by the County for the hearing, including: court reporter fees, the cost of transcripts or records, attorney fees, the cost of preparing and mailing or service of notices and orders, and other miscellaneous expenses incurred by the County. The licensee shall pay the said costs to the County within thirty (30) days of notification of the costs by the Commissioner.
 - (C) The Commissioner shall suspend the license of any licensee who fails to pay said costs within forty (40) days of notification. In the event of an appeal to the state commission, and in cases where appeal is taken under the Administrative Review Act, payment is due forty (40) days after entry of an order affirming or modifying the determination of the Commissioner. The remedies afforded in this section are not exclusive, and any such sums assessed thereunder may be collected as any other debt.

3-37: RESERVED.

3-38: USE OF PREMISES AFTER REVOCATION.

When a license shall have been revoked for any cause, no license shall have been granted to any person for the period of one (1) year thereafter for the conduct of business of distributing or selling alcoholic liquor in the premises described in such revoked license.

ARTICLE VII. GENERAL PROVISIONS

3-39: SANITATION REQUIREMENT.

The licensed premises shall at all times be kept in a clean, orderly and sanitary condition. If at any time during the period that the license is in effect, the operating permit issued by the DuPage County Health Department is revoked, the said health department shall notify the Commissioner in writing of such revocation. The Commissioner is empowered, after hearing, to suspend or revoke the liquor license theretofore issued.

3-40: BUILDING CODE REQUIREMENT; ZONING ORDINANCE REQUIREMENT.

The licensed premises at all times shall be built and maintained in conformance with the DuPage County Building Code and the DuPage County Zoning Ordinance. If at any time during the period that the license is in effect the licensed premises is found to be in violation of the DuPage County Building Code or the DuPage County Zoning Ordinance, Regulatory Services shall notify the Commissioner in writing of such violation. The DuPage County Liquor Commissioner is empowered, after hearing, to suspend or revoke the liquor license theretofore issued for said licensed premises.

3-41: PROHIBITION OF PROSTITUTION AND DISTURBANCE OF THE PEACE.

- (A) It shall be unlawful for any licensee, manager, agent or other person in any manner in charge of any licensed premises where alcoholic liquor is sold or offered for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor or sexual favors or services for herself, himself, or any other person; nor shall any person, whether employer, entertainer or otherwise, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself, or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, waitress or waiter from accepting and serving the order of a patron or customer in the regular course of employment as such manager, waitress or waiter.
- (B) It shall be unlawful for any licensee, individually or through his agents or employees, to allow intoxicated persons to loiter on or about that part of the premises described in the license which part is in use by or in

view of the general public, or permit any conduct which shall tend to disturb the people or quiet of the neighborhood or the premises.

3-42: SALES TO NONAGE PERSONS, HABITUAL DRUNKARDS, MENTAL INCOMPETENTS.

- (A) No licensee or officer, associate, member, representative, agent, employee or servant of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, to any intoxicated person, or to any person known to be a habitual drunkard, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the County where alcoholic liquor is sold.
- (B) In every place in the County where alcoholic liquor is sold, there shall be displayed at all times in a prominent place easily viewable by the public, a printed card which shall be supplied by the County Clerk and which shall read substantially as follows:

WARNING TO PERSONS UNDER THE AGE OF 21 YEARS

Illinois law prohibits persons under the age of 21 from purchasing, possessing, consuming, and accepting a gift of alcoholic beverages. A person under the age of 21 violating this provision is guilty of a Class A Misdemeanor, shall have their privilege to operate a motor vehicle suspended, and may be fined up to \$2,500 and sentenced to up to 364 days in a county jail.

- (C) It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any persons under the age of twenty-one (21) to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located; provided that this paragraph shall not apply to any person under the age of twenty-one (21) who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale or service of commodities other than alcoholic liquor. In addition to all other fines and penalties, the Commissioner may suspend or revoke the liquor dealer's license for any violation of this subsection.
- (D) It shall be unlawful for any person under the age of twenty-one (21) to draw, pour or mix any alcoholic liquor in any licensed premises, and it shall be unlawful for any person under the age of twenty-one (21) years to dispense, sell or deliver any alcoholic liquor in the original package, bottle or case for consumption on or off the premises of any licensed establishment. Except for the prohibitions provided for in this section, it shall be lawful for any person eighteen (18) years of age or older to work in a licensed premises and to serve alcoholic liquor only in conjunction with the service of food.

3-43: PURCHASE, POSSESSION OR ACCEPTANCE OF GIFT BY PERSONS OF NONAGE.

Any person to whom sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

If a licensee or such licensee's agents or employees believe, have reason to believe or should have reason to believe that sale or delivery of alcoholic liquor is prohibited because of the nonage of the prospective recipient, such licensee, agent or employee shall, before making such sale or delivery, demand presentation of two (2) forms of positive identification (containing proof of age) including a valid photograph identification issued by a public officer in the performance of his official duties. No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor in violation by any person under the age of twenty-one (21) years is forbidden. The possession and dispensing, or consumption by a person under the age of

twenty-one (21) of alcoholic liquor in the performance of a religious service or ceremony under the direct supervision of the parents or parent of such underage person is not prohibited.

3-44: PROHIBITION OF ILLEGAL GAMBLING.

(A) It shall be unlawful for any licensee hereunder:

1. To permit or allow any illegal gambling to occur or illegal gambling devices as defined by Article 28 of the Criminal Code of 2012 to be played or remain within the premises licensed hereunder.

(B) The Commissioner shall revoke any license granted hereunder for a violation of this section.

3-45: SALE OF LIQUOR DURING ELECTIONS.

A licensee may sell at retail any alcoholic liquor for which they have a valid DuPage County Liquor License, on the day of any national, state, County, township, or municipal election during hours the polls are open, within the political area in which such election is being held.

3-46: SALE OF LIQUOR; SPECIFIC HOURS.

Alcoholic liquor shall not be sold or consumed on any licensed premises on weekdays, except Saturday, between the hours of 1:00 a.m. to 6:00 a.m., on Saturday between the hours of 2:00 a.m. to 6:00 a.m., or on Sunday between the hours of 2:00 a.m. and 9:00 a.m.

The hours mentioned herein shall be Central Standard Time except when daylight saving time is in effect, and then said hours shall be Central Daylight Saving Time.

3-47: DISPLAY OF LIQUOR LICENSE.

The DuPage County Certificate of License issued in conformity with the provisions of this act shall be displayed in a prominent place in the said licensed establishment viewable by the public.

3-48: PROHIBITION OF LIQUOR PROMOTIONS.

A. No licensee shall engage in any of the following types of activities:

1. **"Happy hours"; "double drinks"; "two for ones."** The above referenced licensees are prohibited from selling, offering or delivering drinks during any period of time during the business days at prices less than those charged for such drinks during the entire business day; or selling, offering or delivering drinks with an increased volume of alcohol without increasing proportionately the price charged for such drink normally charged during the business day. This provision also prohibits selling, offering, or delivering two (2) or more drinks for the price of one (1) drink during a specified time period during the business day.
2. **"All you can drink" specials.** The above specified licenses are prohibited from selling, offering or delivering to any person an unlimited number of drinks during any specified time period for a single fixed price, except at private functions not open to the public. For purposes of this section 3-48, private functions shall be those functions not open to the public held only in a room not accessible by patrons of the premises other than those individuals attending the private function.
3. **Ladies night, men's night, etc.** The above specified licensees are prohibited from selling, offering or delivering drinks to any person or class of persons on any one (1) business day at prices less than those charged the general public on that entire business day, except at private functions held in private facilities not open to the public.

-
4. **Games/contests.** The licensees enumerated in this section 3-48 are prohibited from encouraging or permitting, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
- B. No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited in subsection A of this section. Any license granted hereunder may be suspended or revoked and any licensee may be fined for a violation of this section.
 - C. The prohibitions contained in this section shall not prohibit liquor licensees from:
 1. Offering free food or entertainment at any time.
 2. Including an alcoholic beverage as part of a meal package.
 3. Offering room services to registered guests in hotels licensed for such services.
 4. Offering alcoholic beverages at a reduced "sale" price if the licensee holds a Class A license.

3-49: PROHIBITED CONDUCT.

- A. The following conduct on premises licensed to sell alcoholic liquor is prohibited.
 1. The performance of acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts.
 2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus, or genitals.
 3. The displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals by a licensee, or the manager, employee, agent or representative of the licensee, or by any person, during, as part of, or in conjunction with, any public display, demonstration, performance, fashion show or exhibition.
 4. The displaying of moving pictures or, photographic slide presentations, video presentations, video projection presentations, or any other multimedia presentation depicting acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts.
- B. The licensee, his agent or his employees shall not permit any person to remain in or upon the licensed premises who:
 1. Exposes to public view his or her entire breasts or buttocks, the nipple(s) of his or her breast(s), or any part of his or her genitals, vulva or anus while on the licensed premises.
 - a. This provision shall not prohibit the incidental exposure of a person's genitals, vulva or anus while in a washroom and engaged in a urinary or excretory function.
 2. Touches, fondles or caresses his or her breasts, buttocks, anus, or genitals, or touches fondles or caresses the breasts, buttocks, anus or genitals of another person, in a lewd manner while on the licensed premises.
 - a. "Lewd manner" means an act done with the intent to arouse or satisfy the sexual desire of a person.
 3. Performs an act, or attempts to perform an act, of prostitution, solicitation for a prostitute or juvenile prostitute or pandering, as defined and prohibited in the Illinois Criminal Code, 720 Illinois Compiled Statutes 5/11-14, 11-14.1, 11014.3, and 11-14.4, while on the licensed premises.
- C. The licensee shall not, nor permit any his or her agents or employees to, consume alcohol to the point of intoxication while on the licensed premises.
- D. The licensee, and any of his or her agents or employees, shall not possess nor permit the possession of any illegal drug or intoxicating substance upon the licensed premises.

3-50: LOCATION RESTRICTIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of the property of any place of worship, primary or secondary school, hospital, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, or to restaurants where the sale of alcoholic liquor is not the principal business so exempted shall have been established for such purpose prior to the effective date hereof. In the case of a place of worship, 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.

Nothing in this section shall prohibit the issuance of a license to a place of worship or private school to sell at retail alcoholic liquor, if any such sales are limited to periods when groups are assembled on premises solely for the promotion of some common object other than sale or consumption of alcoholic liquor.

3-51: DUTY TO REPORT ILLEGAL ACTIVITY.

Any person or entity holding a liquor license shall promptly report any unlawful criminal activity he or she observes occurring on the licensed premises to the sheriff or other law enforcement agency with jurisdiction over the licensed premises.

3-52: ALCOHOL COMPLIANCE OPERATIONS.

- (A) The Sheriff or other law enforcement agency with jurisdiction over the licensed premises shall conduct alcohol compliance operations pursuant to the policy and standards as he or she may adopt in consultation with the Commissioner.
- (B) No licensee shall refuse to permit the Commissioner or his or her duly appointed agents from inspecting any portion of the licensed premises for compliance with the provisions of this Ordinance or of the Liquor Control Act of 1934.

[DuPage DuPage](#)



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0034-24

Agenda Date: 5/21/2024

Agenda #: 11.A.

AN ORDINANCE TO AMEND CHAPTER 4 OF THE DUPAGE COUNTY CODE

WHEREAS, the Video Gaming Act (230 ILCS 40/1 *et seq.*) regulates the operation of video gaming terminals in licensed establishments throughout the State of Illinois; and

WHEREAS, DuPage County has the authority pursuant to 230 ILCS 40/1 *et seq.* to enact fees and reasonable regulations of Video Gaming Terminals; and

WHEREAS, DuPage County recognizes the growing popularity of video gaming terminal cafes and the need to regulate them in accordance with state law; and

WHEREAS, it is deemed necessary to create a specific class of license to govern the operation of video gaming terminal cafes within DuPage County in conjunction with existing liquor license classes; and

NOW, THEREFORE, BE IS RESOLVED, that the DuPage County Board approves the amendments as attached to this resolution as EXHIBIT A; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to prepare and distribute copies of this resolution to the Business and Zoning Department, County Board Office, and State's Attorney's Office; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its passage and approval by the DuPage County Board.

Enacted and approved this 28th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

Chapter 4

~~AMUSEMENT DEVICES~~ Video Gaming Terminals

~~ARTICLE I. ISSUANCE OF LICENSES AND REGISTRATION STICKERS~~

~~4-1: DEFINITIONS.~~

For the purpose of this article, the words and phrases used herein shall have the meaning set forth in this section. Any other words and phrases not defined in this section shall have their meaning indicated by common dictionary.

~~Amusement arcade:~~ Any business establishment wherein two (2) or more ~~amusement device~~ video gaming terminals are located on the premises where said ~~amusement device~~ video gaming terminals are a primary source of revenue for said business.

~~Amusement device~~ Video gaming terminal: Any machine, game, table or other device designed, intended, displayed or kept as an amusement game or test of skill and for the playing of which a charge is made. ~~Amusement device~~ Video gaming terminal, when used herein, shall include, but not be limited to, devices commonly known as pinball machines, shuffleboards, bowling machines and coin operated games of skill but shall not include regulation bowling alleys, jukeboxes, pool or billiards tables. ~~Amusement device~~ Video gaming terminals shall also include any machine, which upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall further include, but not be limited to, such devices as marble machines, electronic games, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

~~Gambling:~~ Activities prohibited by the Illinois Criminal Code, 720 Illinois Compiled Statutes 5/28-1 et seq.

~~Indoor recreational center:~~ Any business establishment where the primary source of revenue of said business is derived from patron fees for recreational activities, including, but not limited to, bowling alleys, roller and ice skating rinks, tennis and racquetball clubs and billiard rooms. The separate area wherein ~~amusement device~~ video gaming terminals are located within an indoor recreational center shall be referred herein as "indoor recreational center arcade area".

~~Manager or attendant:~~ Any person acting for and in behalf of an operator.

~~Operator:~~ Any person, firm, corporation, association, partnership, social club, or fraternal organization in immediate control of the premises, including an owner or lessee thereof, within or upon which any devices are displayed or located.

~~Person, firm, corporation, association, partnership, social club, fraternal organization or individual:~~ Includes the following: any person, firm, corporation, association, partnership, social club, fraternal organization or individual which owns any ~~amusement device~~ video gaming terminal, the person, firm, corporation, association, partnership, social club, fraternal organization or individual in whose place of business any such device is placed for use by the public; and the person, firm, corporation, association, partnership, social club, fraternal organization or individual having control over such devices.

(2005 Code; Ord. No. OCB-002-09, 8-11-2009; Ord. No. CB-O-0078-19, 11-12-2019)

4-2: OPERATORS MUST BE LICENSED.

No person, firm, corporation, association, partnership, social club, fraternal organization or individual may possess an ~~amusement device~~video gaming terminal, or be in immediate control of premises upon which an ~~amusement device~~video gaming terminal is located or operated for entertainment purposes, without first obtaining a license in writing from the County of DuPage under the provisions of this section. The application for the license shall be submitted to the Clerk of the County of DuPage, and a verification of information contained in that application shall be conducted by the County Clerk in conjunction with the DuPage County Development Department and the DuPage County Sheriff's Office. The granting or denial of said application shall be determined by the County Clerk in accordance with the provisions of section 4-4 of this article.

(2005 Code)

4-3: APPLICATION FOR LICENSE.

A. The application for such license shall contain the following information:

1. ~~Corporation:~~

- a. Corporate name, assumed name, if any, and address and the address of the premises for which the license is applied.
- b. Date and place of incorporation.
- c. Corporate purposes as set forth in the articles of incorporation.
- d. Name, address, date and place of birth and social security number of all corporate officers and directors.
- e. Statement of principal kind of business in which corporation engages.
- f. Statement of whether corporate business will be conducted by a manager, and the name, address and authority of any such manager or agent.
- g. Names, dates of birth and addresses of all persons, firms and organizations owning five percent (5%) or more of the corporation's stock.
- h. Names, dates of birth and addresses of all persons, firms, and organizations entitled by verbal or written agreement to a beneficial share of corporate earnings.
- i. A three (3) year history of the corporation's addresses.
- j. A statement of the number of machines and a description to include make, model, cost, and serial number of the ~~amusement device~~video gaming terminals of the various machines intended to be located in the license premises.
- k. An affidavit attesting to the veracity of the statements contained therein signed by the corporation's president and secretary.
- l. Statement of other licenses of the County of DuPage held by applicant.
- m. A statement denoting legal ownership of the ~~amusement device~~video gaming terminals which will be located on the premises. This will include the company owner name, address, telephone number and state sales tax number.

2. ~~Individual or Partnership, Social Club or Other Applicant:~~

- a. Name, address, date and place of birth and social security number of applicant.

- b. — Location of place of business. In the case of an association, social club or other applicant, the principal place of its meetings or activities.
 - c. — Principal kind of business engaged in.
 - d. — Statement of whether business or operation of the device will be conducted by a manager or agent, and the name, address, date and place of birth and social security number of any such manager or agent.
 - e. — Statement of other licenses of the County of DuPage held by applicant.
 - f. — Names, dates of birth, addresses and phone numbers of all persons, firms and organizations entitled by verbal or written agreement to a beneficial share of the earnings of the business.
 - g. — A three (3) year history of the applicant's business and residence address. In the case of an association, social club or other applicant, a three (3) year history of the names and addresses of officers or sponsors.
 - h. — A statement of the number of machines and a description to include make, model, cost and serial number of the ~~amusement device~~ video gaming terminals of the various machines intended to be located in the license premises.
- B. — An application for an initial operator's license and renewal licenses shall be accompanied by a one hundred dollar (\$100.00) license fee for each established place of business. Application fees are nonrefundable, and shall be applied to the cost of the license if the license is granted.
- C. — Licenses shall be valid for a period of one (1) year, beginning on September 1 and ending on August 31. All license fees are payable before September 1 of each year. In the event that an application is made for a period of time less than a full license year, the one hundred dollar (\$100.00) license fee shall be prorated based on the number of months that the license will be in effect.
- D. — Any change which renders no longer accurate any information contained in any application for an operator's license shall be amended within thirty (30) days after the occurrence of such change on such form as prescribed by the County Clerk, accompanied by an amendatory fee of two dollars (\$2.00).

(2005 Code)

4-4: GRANTING OF LICENSES.

The County Clerk shall, within a reasonable time after receipt, examine the original application or renewal submitted to him under this section and make a determination as to whether the original application or renewal application submitted to him conforms with the requirements of subsection A of this section. If so determined, the clerk shall grant the applicant an operator's license or renewal in writing for each established place of business. Operators' licenses shall be displayed on the premises in a prominent place.

- A. — No person, firm, corporation, association, partnership, social club, fraternal organization or individual shall be issued an initial or renewal ~~amusement device~~ video gaming terminal operator's license unless:
 1. — The premises for which the application is sought complies with all applicable building and zoning ordinances in effect at the time of application.
 2. — The person or entity seeking the application either owns or leases the premises for which the application is sought.
 3. — A person, all members of a partnership, all officers, managers, directors of a corporation, any stockholder owning in the aggregate more than five percent (5%) of stock in a corporation, or a

manager or attendant in the entity seeking an application has not been convicted of any of the following offenses:

- a. — Gambling, syndicated gambling or keeping a gambling place under article 28, 720 Illinois Compiled Statutes 5/28-1 et seq.
 - b. — Pandering, prostitution or other crime of pertaining to moral turpitude.
 - c. — Any felony under the laws of any state or the United States of America.
4. — Any and all previous licenses have expired at the end of the licensing period in good standing and have not been revoked for cause within one (1) year prior to the application.
 5. — All information on the application has been verified as deemed necessary by the development department or the sheriff's department. Failure of the applicant to cooperate with the investigation or to furnish requested documents or information shall be cause for denial of the license.
- B. — Any operator granted a license under this section shall not be eligible for renewal unless an operator did in fact possess an amusement device/video gaming terminal or be in immediate control of premises upon which an amusement device/video gaming terminal is located or operated within the twelve-month period preceding the date for application for renewal.

(2005 Code)

4-5: REGISTRATION STICKERS.

- A. — Upon approval of an amusement device/video gaming terminal operator's license, the County Clerk shall issue registration stickers for each amusement device/video gaming terminal on the premises of the operator. These registration stickers shall be displayed in a prominent place on the exterior of each amusement device/video gaming terminal and shall be valid for one-year period beginning on September 1 of each year and ending on August 31 of the following year. A fee in the amount of ten dollars (\$10.00) shall be paid to the County Clerk for the issuance of each sticker, up to a total of ten (10) stickers. Licensed operators having in excess of ten (10) amusement device/video gaming terminals shall be issued additional registration stickers for each device without a fee.
- B. — It shall be unlawful for the owner or lessee of any premises or person in control of such premises to permit the installation or use of amusement device/video gaming terminals within the County of DuPage, unless a valid registration sticker is displayed on said amusement device/video gaming terminal. Each amusement device/video gaming terminal shall be plainly labeled with the name, address and telephone number of its owner. Any additional amusement device/video gaming terminals installed will require that an additional "amusement device/video gaming terminal application form" be submitted with appropriate prorated fees.
- C. — It shall be unlawful for any person to mutilate, alter or remove said registration sticker from an amusement device/video gaming terminal during the period for which it was issued.
- D. — Registration stickers may not be transferred from one (1) amusement device/video gaming terminal to another. In the event that a registration sticker is lost, destroyed, or mutilated, the County Clerk shall issue a replacement sticker without charge for any amusement device/video gaming terminal previously issued a sticker.
- E. — Any licensed operator who acquires or otherwise comes into possession of a new or additional amusement device/video gaming terminal upon his or her premises within the license period shall make application to the County Clerk for issuance of a new registration sticker for that amusement device/video gaming terminal.

within thirty (30) days of acquiring or otherwise coming into possession of the ~~amusement device~~video gaming terminal.

(2005 Code)

ARTICLE II. REGULATIONS

~~4-6: LOCATION RESTRICTIONS.~~

- A. — No person, firm, corporation, association, partnership, social club, fraternal organization or individual shall, as owner, lessee, agent or otherwise, display or permit display of, or operate or permit operation of more than one (1) ~~amusement device~~video gaming terminal per one thousand (1,000) square feet on the premises leased or owned by him, unless it is a game room or indoor recreational center.
- B. — No amusement arcade or indoor recreational center arcade area shall be located within three hundred (300) feet of any church, school, or daycare facility. In determining the distance provided for in this section, measurements shall be taken from the closest point on the property line of the lot upon which such church, school, or day care facility is located to the closest point on property line of the lot upon which the amusement arcade or indoor recreational center arcade area is located.
- C. — In all game rooms or indoor recreational center ~~amusement device~~video gaming terminal areas, wherein ~~amusement device~~video gaming terminals are located, there shall be a maximum of one (1) ~~amusement device~~video gaming terminal for each twenty-five (25) square feet of floor area, exclusive of aisles and exit areas.
- D. — No more than ten (10) ~~amusement device~~video gaming terminals shall be allowed in an indoor recreational center. The location of such ~~amusement device~~video gaming terminals within the indoor recreational center shall be restricted to separate divided areas located on the premises and supervised by the operator, manager or attendant of the indoor recreational center.
- E. — The above location restrictions in this section 4-6 shall not apply to any person, firm, corporation, association, partnership, social club, fraternal organization or individual who lawfully displays, permits display of, or operates an ~~amusement device~~video gaming terminal in a legal nonconforming manner at the time of the enactment of this article or any nonconforming game room or indoor recreational center lawfully existing at the time of the enactment of this article.

(2005 Code)

~~4-7: UNOBSTRUCTED PREMISES.~~

- A. — A licensee shall provide adequate and orderly parking for all motor vehicles and shall keep the storefront unobstructed so that the sidewalks are clear and open to pedestrian traffic.
- B. — The licensee shall cause the premises to remain in a clean and sanitary condition at all times and shall place such waste receptacles in and around the premises so as to accomplish the above.

(2005 Code)

~~4-8: SUPERVISION OF OPERATION.~~

- A. — An operator, manager or attendant of twenty-one (21) years of age or older shall be present on the premises of any game room, recreational center, or class A or class B liquor licensee wherein alcohol is served on the

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premises of businesses open to the public in which ~~amusement device~~video gaming terminals are located. Such individual of age twenty-one (21) years or older shall be in such a position to have a clear view of all of the ~~amusement device~~video gaming terminals and activity taking place on the premises.

B. — It shall be unlawful for any licensee or attendant to permit any individual under the influence of alcohol or drugs on the premises where ~~amusement device~~video gaming terminals are in use. Any operator or manager or attendant who observes any individual on the premises who is under the influence of alcohol or drugs or who suspects such person to be under such influence, shall immediately cause the removal of said person or persons from the premises.

(2005 Code)

~~4-9: NO GAMBLING.~~

A. — It shall be unlawful to permit gambling on those premises wherein ~~amusement device~~video gaming terminals are located. Any operator, manager, or attendant who observes any gambling on the premises or has reasonable grounds to suspect that gambling is taking place, shall immediately notify the police of such activity.

B. — It shall be unlawful to possess any ~~amusement device~~video gaming terminal which has been mechanically or electronically altered so as to allow the device to be used for gambling purposes, or any device whatsoever which can be construed to be used for gambling as defined under the law of the State of Illinois.

C. — Games or ~~amusement device~~video gaming terminals on the licensed premises shall not pay off in money, prizes or awards but may grant free games to the player upon the player's reaching a certain score or scores.

(2005 Code)

~~ARTICLE III. INSPECTIONS AND ENFORCEMENT~~

~~4-10: INSPECTIONS BY DEVELOPMENT DEPARTMENT.~~

Authorized representatives of the DuPage County Development Department shall make inspections of the premises of operators licensed or required to be licensed under this article for purpose of determining if premises are in compliance with the regulations stated in article II of this chapter and determining whether all wiring and electrical connections are in compliance with the requirements of the DuPage County Building Ordinance (Chapter 8 of this code) and the zoning requirements of the DuPage County Zoning Ordinance (Chapter 37 of this Code). By applying for a license under this Chapter 4, the owner and operator consent to all inspections under sections 4-10 through 4-14 of this article.

(2005 Code)

~~4-11: INSPECTIONS BY SHERIFF'S OFFICE.~~

Authorized representatives of the DuPage County Sheriff's Office, including sworn peace officers and other individuals as the sheriff may designate from time to time, shall make inspections of the ~~amusement device~~video gaming terminals upon premises of operators licensed or required to be licensed under this article for purposes of reviewing and examining the display of registration stickers required under section 4-5 of this chapter, and determining whether each ~~amusement device~~video gaming terminal is properly registered and verifying that the serial number of such ~~amusement device~~video gaming terminals matches the serial numbers provided in the application for registration stickers. Premises upon which an ~~amusement device~~video gaming terminal is located or

reasonably believed to be located shall be inspected for purposes of determining whether the operator is properly licensed if an ~~amusement device~~video gaming terminal is in fact located on the premises.

(2005 Code; Ord. No. OCB-002-09, 8-11-2009; Ord. No. CB-O-0078-19, 11-12-2019)

4-12: PREMISES TO BE INSPECTED.

Premises that may be inspected in order to determine compliance with this article include all premises used by operator to display or locate any ~~amusement device~~video gaming terminals.

(2005 Code)

4-13: OPERATOR ENTITLED TO BE PRESENT.

An operator or licensee shall be entitled to be present during an inspection conducted pursuant to this article, however, the presence of an operator, licensee or authorized representative of an operator or licensee is not a condition precedent to such an inspection.

(2005 Code)

4-14: TIMING OF INSPECTIONS.

A. — Inspections conducted pursuant to this article may be initiated at any time that business is being conducted or any time an operator, licensee or employee or representative of operator or licensee, other than a mere custodian or watchman, is present, regardless of whether or not the premises are open to the public. The fact that an operator, licensee or their representative or agent leaves the premises after an inspection has been initiated shall not require the termination of the inspection.

B. — Any inspection conducted pursuant to this article shall not continue more than three (3) hours after initiation.

C. — Each premises shall be inspected no less than once and no more than six (6) times within any twelve (12) month period pursuant to this article, except pursuant to a search warrant. Notwithstanding this limitation, nothing in this subsection shall be construed to limit the authority of County employees or representatives or law enforcement officers to respond to public complaints of violations of the DuPage County Code or laws of the State of Illinois. For purposes of this subsection, a public complaint is one in which the complainant identifies himself or herself and sets forth the specific basis for their complaint against the licensee.

(2005 Code)

4-15: SEARCH WARRANTS.

A. — In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

B. — Nothing in this article shall be construed to limit the authority of the DuPage County Sheriff's Office or other law enforcement officers to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

C. — Any licensee, who having been informed by a person authorized to make inspection under this article that he or she desires to inspect the premises as authorized by this article, refuses to permit such authorized person to make an inspection of the premises in accordance with this article shall subject the license to immediate suspension by the County Clerk.

{2005 Code}

4-16: DENIAL, SUSPENSION OR REVOCATION OF A LICENSE.

A. — Upon the giving of notice as provided in subsection 4-17A of this article, the license of a person, firm, corporation, association or any other operator issued under this article may be denied, revoked or suspended by the County Clerk without preliminary hearing upon a showing of documents, records or other sufficient evidence that the applicant or operator has:

1. — Violated this article, the DuPage County Zoning Ordinance, the DuPage County Building Code of [or] the DuPage County Alcoholic Liquor Control Code;
2. — Made any material misrepresentation to the County Clerk or concealed a material fact in connection with an application for a license;
3. — Committed an illegal or fraudulent act in connection with the operation of the business establishment upon which an ~~amusement device~~ video gaming terminal is located or illegally fraudulent act related to the operation of an ~~amusement device~~ video gaming terminal;
4. — Failed to file or produce for the County Clerk any application, report, document, or information required to be issued under this article, or for any rule or regulation made by the County Clerk pursuant to this article;
5. — Previously had, within the last ten (10) years, any conviction of a crime stated in subsection 4-4A1c of this chapter;
6. — Acted in the capacity of a person licensed or acted as a licensee under this article without having a license therefor;
7. — Failed to pay any fee due and owing under this article;
8. — Failed to pay, within ninety (90) days after a final judgment, any fines assessed against licensee pursuant to this article.

B. — The license of an operator issued under this article may be canceled by the County Clerk in either of the following situations:

1. — When a license is voluntarily surrendered by a licensed person;
2. — When an individual person or sole proprietor responsible for a licensed establishment either dies or is incarcerated after a conviction for a crime for a period of time exceeding thirty (30) days, provided that notice is given to the incarcerated person pursuant to subsection 4-17A of this article.

{2005 Code}

4-17: NOTICE AND HEARING.

A. — Whenever the County Clerk is required to give notice under this article of a denial, suspension, revocation or cancellation of a license, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail in an envelope with postage prepaid addressed to such person at his address shown by the records of the County Clerk. The giving of notice by mail is complete

upon the expiration of four (4) days after the deposit of such notice. Proof of the giving of notice in either such manner may be made by the certificate of any employee of the County Clerk or affidavit of any person naming the person to whom notice was given, and specifying the time, place, and manner of the giving of said notice.

- B. — Upon the denial, suspension, revocation or cancellation of a license under this article, the County Clerk shall immediately notify such person in writing, and upon his or her written request, set a date for a hearing to be held within twenty (20) days from receipt of written request or as soon as practicable. The chairman of the County Board shall select a hearing officer or an appeals committee with experience in reviewing administrative decisions, including, but not limited to, member(s) of the County Board or an employee(s) of any County department or office. The hearing officer or appeals committee shall conduct a hearing to consider all oral and documentary evidence presented by the County Clerk and by the party contesting the denial, suspension, revocation, or cancellation of his or her operator's license. After such hearing, the hearing officer or appeals committee shall submit a decision in writing as to whether the County Clerk shall either rescind or, good cause appearing therefor, continue, change or extend his order of denial, suspension, revocation, or cancellation pursuant to the provisions of this article, or reinstate the license of such person. All hearings and hearing procedures shall comply with the requirements of due process and equal protection of the laws. The decision of the hearing officer or appeals committee shall be final.

(2005 Code)

4-18: INJUNCTIONS.

If any person, firm, corporation, association or other business entity operates in violation of any provision of this article, or any rule, regulation, order or decision of an authorized officer of DuPage County, or any interested party or person injured thereby may apply to the Circuit Court of DuPage County to prevent such violation. The court has jurisdiction to enforce obedience by injunction or other process restraining such person from further violation and enjoining upon him obedience.

(2005 Code)

4-19: FAILURE TO OBTAIN OPERATOR'S LICENSE, SUSPENDED OR REVOKED LICENSE.

- A. — Any person operating a business or other entity for which he or she is required to be licensed under section 4-2 of this chapter who fails to apply for such license or licenses within fifteen (15) days after being informed in writing by the County Clerk that he or she must obtain a license is subject to a civil action brought by the County of DuPage in the Circuit Court of DuPage County. If a person is found to be in violation of section 4-2 of this chapter by operating without being properly licensed, that person shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) for each violation specified in this subsection.
- B. — Any person who, having had his license or licenses issued under this article revoked, cancelled, or denied by the County Clerk under section 4-16 of this article continues to operate a business after the effective date of such revocation, suspension, cancellation or denial may be sued in a civil action by the County of DuPage. If such person is found by the court to have operated such a business after the license or licenses required for conducting such business have been suspended, revoked, cancelled, or denied, that person shall be fined one thousand dollars (\$1,000.00) for each violation.
- C. — Each day that the unlicensed operation under subsection 4-19A or B occurs or continues shall be deemed a separate violation.

(2005 Code)

~~4-20: FAILURE TO DISPLAY A REGISTRATION STICKER.~~

~~Any person, firm, corporation, association or other business entity who possesses an **amusement device** video gaming terminal without a valid registration sticker or is in immediate control of premises upon which an **amusement device** video gaming terminal is displayed or located without a valid registration sticker for said device shall be subject to a civil action brought by the County of DuPage in the Circuit Court of DuPage County. If a person is found to have violated section 4-5B of this chapter by failing to display a valid registration sticker shall be fined up to one thousand dollars (\$1,000.00) for each violation.~~

~~(2005 Code)~~

~~4-21: SAVINGS CLAUSE.~~

~~This article is not intended to be inconsistent or in conflict with any provision of federal or state law. Any inconsistency or conflict between this article and federal or state law shall be resolved in favor of the federal or state law. If any part of this article is found to be invalid or unenforceable by a court of competent jurisdiction, it shall not affect the remaining parts of this article.~~

~~(2005 Code)~~

~~4-22: ADOPTION CLAUSE AND EFFECTIVE DATE.~~

- ~~1. Ordinance CD-Z0-002-83, June 28, 1983, are hereby repealed and reenacted by the substitution of the foregoing ordinance in lieu thereof.~~
- ~~2. This chapter shall take effect upon passage of ordinance OFI-002-05. This chapter shall cover and pertain to all persons, firms, corporations, associations, social clubs or other entities who possess or control premises upon which **amusement device** video gaming terminals are located or operated in accordance with the standards and provisions set forth herein.~~

~~(Ord. OJPS-018-93, 10-26-1993; amd. Ord. OPS-001-95, 1-24-1995; 2005 Code)~~

4-1: Name of Chapter

- (A) Short Title. This chapter may be cited to and referred to as the DuPage County Video Gaming Terminal Ordinance.

4-2: Video Gaming Permit Required.

- (A) It shall be unlawful for a licensed establishment to operate any video gaming terminal, unless the licensed establishment obtains and maintains a valid video gaming terminal permit sticker from the county for each video gaming terminal to be operated on the licensed premises.

4-3: Video Gaming Terminal Permit Sticker and Fee

- (A) In order for any video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the county for each video gaming terminal located on its premises by submitting an application, to the Liquor Control Commissioner or his or her designee. The burden is upon each applicant to demonstrate its suitability and qualifications for the permit sticker. Each video gaming terminal permit sticker issued by the county shall expire June 30 of each year unless sooner revoked as provided by law, with an annual fee of \$250 per video gaming terminal payable in full at the time the application is filed with the county. The application shall list all requirements for the Video Gaming Terminal Permit Sticker and is subject to the rules of the

Liquor Control Commissioner. At the time of inspection, the sticker will be applied by the inspector if the applicant complies with this code.

4-4: Regulations for Operating Video Gaming Terminals

- (A) The following regulations apply to all licensed establishments operating a video gaming terminal on the licensed premises with a valid video gaming terminal permit sticker for each video gaming terminal.
- (1) A valid Illinois Gaming Board video gaming license must be clearly displayed at all times.
 - (2) A valid county video gaming terminal permit sticker shall be clearly displayed at all times on each video gaming terminal on the licensed premises whether operational or not.
 - (3) No more than the allowed number of video gaming terminals pursuant to the Video Gaming Act (230 ILCS 40) may be located on the licensed premises.
 - (4) All video gaming terminals must be located in an area restricted to persons 21 years of age or older. The entrance to such area must, at all times, be within the view of at least one employee of the licensee who is at least 21 years of age.
 - (5) No licensed establishment may cause, suffer, or permit any person under the age of 21 years to use, play, or operate a video gaming terminal.
 - (6) For licensed establishments with a liquor license, no video gaming terminal may be played, except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to section 3-46.
 - (7) The licensed establishment must fully comply with the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., as amended, and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
 - (8) The licensed establishment must fully comply with all applicable DuPage County ordinances, as well as any applicable federal and Illinois laws or regulations. This includes applicable Building and Zoning requirements for a facility in which this type of business requires.
 - (9) Licensed establishments must immediately notify the Liquor Control Commissioner in the event the Illinois Gaming Board revokes or suspends the licensed establishment's video gaming license. The revocation, loss, or suspension of a valid Illinois Gaming Board video gaming license shall automatically result in the revocation, loss or suspension of the county video gaming permit stickers, without refund of any fee, for all video gaming terminals permitted for the establishment.

4-5: Inspection of Premises

(A) Inspections by Building and Zoning Department.

Authorized representatives of the DuPage County Development Department shall make inspections of the premises of operators licensed or required to be licensed under this article for purpose of determining if premises are in compliance with the regulations stated in this chapter and determining whether all wiring and electrical connections are in compliance with the requirements of the DuPage County Building Ordinance (Chapter 8 of this code) and the zoning requirements of the DuPage County Zoning Ordinance (Chapter 37 of this Code). By applying for a license under this Chapter 4, the owner and operator consent to all inspections under section 4-5 of this article.

(B) Inspections By Sheriff's Office.

Authorized representatives of the DuPage County Sheriff's Office, including sworn peace officers and other individuals as the sheriff may designate from time to time, shall make inspections of the ~~amusement device~~ ~~video gaming terminals~~ upon premises of operators licensed or required to be licensed under this article for purposes of reviewing and examining the display of registration stickers required under section 4-3 of this chapter, and determining whether each ~~amusement device~~ ~~video gaming terminal~~ is properly

registered and verifying that the serial number of such ~~amusement device~~video gaming terminals matches the serial numbers provided in the application for registration stickers. Premises upon which an ~~amusement device~~video gaming terminal is located or reasonably believed to be located shall be inspected for purposes of determining whether the operator is properly licensed if an ~~amusement device~~video gaming terminal is in fact located on the premises.

(C) Premises To Be Inspected.

Premises that may be inspected in order to determine compliance with this article include all premises used by operator to display or locate any ~~amusement device~~video gaming terminals.

4-6: Search Warrants.

(A) In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

(B) Nothing in this article shall be construed to limit the authority of the DuPage County Sheriff's Office or other law enforcement officers to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

(C) Any licensee, who having been informed by a person authorized to make inspection under this article that he or she desires to inspect the premises as authorized by this article, refuses to permit such authorized person to make an inspection of the premises in accordance with this article shall subject the license to immediate suspension by the County Clerk.

4-7: Revocation/Suspension of License and Permit Sticker

(1) The Liquor Control Commissioner may revoke or suspend any video gaming terminal permit sticker issued by the county if the Liquor Control Commissioner determines the licensed establishment has violated any of the provisions of this chapter, any provision of other county ordinances, or any applicable state or federal statute. No video gaming terminal permit shall be revoked or suspended, except after a public hearing before the Liquor Control Commissioner, with a five-day written notice to the licensed establishment.

(2) Notwithstanding the foregoing, any licensed establishment that has its liquor license forfeited, revoked, or suspended by the county or by the Illinois State Liquor Commission, or has its state video gaming license revoked or suspended by the Illinois Gaming Board, shall forthwith, without a hearing before the Liquor Control Commissioner, have all of its county video gaming terminal permit stickers revoked or suspended for the duration for which its liquor and/or Illinois Gaming Board gaming license is suspended, as the case may be.

4-8: Notice and Hearing.

(A) Whenever the County Clerk is required to give notice under this article of a denial, suspension, revocation or cancellation of a license, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail in an envelope with postage prepaid addressed to such person at his address shown by the records of the County Clerk. The giving of notice by mail is complete upon the expiration of four (4) days after the deposit of such notice. Proof of the giving of notice in either such manner may be made by the certificate of any employee of the County Clerk or affidavit of any person naming the person to whom notice was given, and specifying the time, place, and manner of the giving of said notice.

(B) Upon the denial, suspension, revocation or cancellation of a license under this article, the County Clerk shall immediately notify such person in writing, and upon his or her written request, set a date for a hearing to be held within twenty (20) days from receipt of written request or as soon as practicable. The

chairman of the County Board shall select a hearing officer or an appeals committee with experience in reviewing administrative decisions, including, but not limited to, member(s) of the County Board or an employee(s) of any County department or office. The hearing officer or appeals committee shall conduct a hearing to consider all oral and documentary evidence presented by the County Clerk and by the party contesting the denial, suspension, revocation, or cancellation of his or her operator's license. After such hearing, the hearing officer or appeals committee shall submit a decision in writing as to whether the County Clerk shall either rescind or, good cause appearing therefor, continue, change or extend his order of denial, suspension, revocation, or cancellation pursuant to the provisions of this article, or reinstate the license of such person. All hearings and hearing procedures shall comply with the requirements of due process and equal protection of the laws. The decision of the hearing officer or appeals committee shall be final.

4-9: Injunctions.

(A) If any person, firm, corporation, association or other business entity operates in violation of any provision of this article, or any rule, regulation, order or decision of an authorized officer of DuPage County, or any interested party or person injured thereby may apply to the Circuit Court of DuPage County to prevent such violation. The court has jurisdiction to enforce obedience by injunction or other process restraining such person from further violation and enjoining upon him obedience.

4-10: Seizure of Unlawful Video Gaming Terminals

(A) Every video gaming terminal which does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device subject to seizure the DuPage County Sheriff or his or her respective agents and shall be turned over to the Illinois Gaming Board, in accordance with Board regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.

4-11: UNOBSTRUCTED PREMISES.

(A) A licensee shall provide adequate and orderly parking for all motor vehicles and shall keep the storefront unobstructed so that the sidewalks are clear and open to pedestrian traffic.

(B) The licensee shall cause the premises to remain in a clean and sanitary condition at all times and shall place such waste receptacles in and around the premises so as to accomplish the above.

4-12: Savings Clause.

(A) This article is not intended to be inconsistent or in conflict with any provision of federal or state law. Any inconsistency or conflict between this article and federal or state law shall be resolved in favor of the federal or state law. If any part of this article is found to be invalid or unenforceable by a court of competent jurisdiction, it shall not affect the remaining parts of this article.

4-13: Adoption Clause and Effective Date.

(A) Ordinance CD-Z0-002-83, June 28, 1983, ~~are~~is hereby repealed and reenacted by the substitution of the foregoing ordinance in lieu thereof.

(B) This chapter shall take effect upon passage of ordinance OFI-002-05. This chapter shall cover and pertain to all persons, firms, corporations, associations, social clubs or other entities who possess or control premises upon which ~~amusement device~~video gaming terminals are located or operated in accordance with the standards and provisions set forth herein.