



Legislation Text

File #: 22-0151, Version: 1

TO: Mayor Richard C. Irvin

FROM: Jennifer Stallings, City Clerk

DATE: February 23, 2022

SUBJECT:

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

PURPOSE:

If approved, the proposed amendments to Chapter 6 Sec. 6-13 and Chapter 8 Sec. 8-131 will require applicants applying for a reduction in the distance requirements for liquor licenses and video gaming terminal licenses to pay the associated court reporter fees, in addition to the hearing officer fees, for their hearing. The additional modification to Chapter 6 Sec. 6-13(d) will clarify how to measure the distance between a liquor licensed business and a church.

BACKGROUND:

Applicants for a liquor license must be over 500 feet from a residential property and 100 feet from a church, grade school, middle school, alternative school or high school, hospital, or home for indigent persons. Applicants for a video gaming license must be over 2,640 feet from another video gaming licensed establishment. Chapter 6 and Chapter 8 both contain a provision that allows applicants to request a reduction in those distance requirements. The applicant is allowed a hearing before an administrative hearing officer with a court reporter. Both chapters require applicants to pay the hearing officer's fees, however, there is no provision for payment of the court reporter's fees.

DISCUSSION:

Hearings to reduce the distance requirement(s) allow businesses to present their argument as to why a reduction in the distance requirements would not detrimentally affect a residential area, a church, grade school, middle school, alternative school or high school, hospital or home for indigent persons or detrimentally impact the existing video gaming licensee or surrounding community within 2,640 feet. These hearings are an optional, voluntary choice available to applicants and, as such, applicants should be responsible for the costs associated with these hearings. There is no fee associated with submitting the hearing application to the city, and the city does not recoup application processing costs. It is appropriate for the applicants to be responsible for the payment of the associated court reporter fees for these voluntary hearings.

IMPACT STATEMENT:

The impact of these amendments is that the city will be able to recoup additional costs associated with voluntary hearings elected by business owners.

RECOMMENDATIONS:

Staff recommends that the proposed ordinance be adopted.

cc: Rules, Administration and Procedure Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance amending Chapter 6 Sec. 6-13 and Chapter 8 Sec. 8-131 of the Code of Ordinances. WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

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

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

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

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

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

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

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

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