

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2013-049

AN ORDINANCE GRANTING APPROVAL OF A CLASS B PROPRIETARY LICENSE  
FOR DAVE & BUSTERS LOCATED AT 434 HAWTHORN CENTER, IN THE VILLAGE OF  
VERNON HILLS, LAKE COUNTY

THE 17<sup>th</sup> DAY OF SEPTEMBER, 2013

Published in pamphlet form by the Authority of the  
President and Board of Trustees of the Village of  
Vernon Hills, Lake County, Illinois, this 30<sup>th</sup> Day of  
September, 2013

**ORDINANCE NO. 2013- 049**

**AN ORDINANCE GRANTING APPROVAL  
OF A CLASS B PROPRIETARY LICENSE  
FOR DAVE & BUSTERS LOCATED AT  
434 HAWTHORN CENTER, IN THE  
VILLAGE OF VERNON HILLS, LAKE  
COUNTY**

**WHEREAS**, Dave & Busters, located at 434 Hawthorn Center Vernon Hills, IL, filed an application on August 28, 2013 requesting a class "B" Proprietary License to allow a Restaurant/Beverage Amusement Device Establishment; and

**WHEREAS**, a meeting was conducted on this application by the Liquor and Licensing Commission on September 4, 2013; and

**WHEREAS**, the Liquor and Licensing Commission at its meeting on September 4, 2013, having fully heard the testimony, found that sufficient facts were presented which, in its judgment, would justify recommending approval of the class "B" Proprietary License subject to specific rules and conditions based on the unique nature of this establishment; and

**WHEREAS**, the Village acknowledges that: 1) Ordinance 2013-14 granted a variation for D&B to increase the number of amusement devices from 50 to 200; 2) Ordinance 2013-15 granted special use permits to operate restaurants with alcohol subject to compliance with Chapter 11 of the Village Code of Ordinances; 3) and Ordinance 2013-17 granted D&B the right to have a restaurant that serves alcohol subject to compliance with Chapter 11 except as otherwise provided, which included the right to have up to 200 amusement devices; and

**WHEREAS**, it is specifically the intent of this Proprietary License to further modify the requirements of Chapter 11 insofar as it relates to D&B based on the unique nature of the D&B operation; and

**WHEREAS**, conformance with the additional and amended conditions imposed by this Proprietary License will be deemed by the Village of Vernon Hills to constitute compliance with Chapter 11 of the Village Code of Ordinances; and

**WHEREAS**, all other provisions of Chapter 11 not amended or altered by the Proprietary License shall remain in full force and effect.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:**

**SECTION I.** Pursuant to the Vernon Hills Code of Ordinances, as amended, and Ordinance 2013-017 approving a Special Use Permit allowing Dave & Busters to serve alcoholic beverages and containing an arcade with up to 200 electronic games and/or amusement devices; the Class B Proprietary License is hereby approved subject to the conditions listed in Section II and the terms and conditions as set forth in Exhibit A; and as set forth in the floor plan prepared by Aria Group Architects, Inc, dated July 2, 2013 attached hereto as Exhibit B.

**SECTION II.** Pursuant to the Vernon Hills Code of Ordinances, as amended, and the recommendations of the Liquor and Licensing Commission, the terms and conditions as set forth in Exhibit A are hereby approved and are made a part of approvals as listed in the sections referenced herein.

**SECTION III. SEVERABILITY.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION IV. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

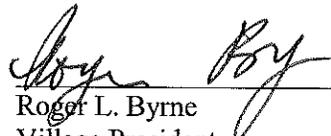
**SECTION VI. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2013-049

Adopted by roll call vote as follows:

AYES: 5 – Hebda, Koch, Marquardt, Schultz, Schwartz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 – Williams

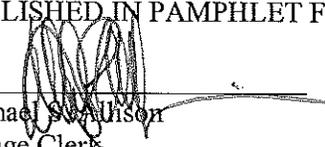
  
\_\_\_\_\_  
Roger L. Byrne  
Village President

PASSED: 9/17/2013

APPROVED: 9/17/2013

ATTEST: 9/30/2013

PUBLISHED IN PAMPHLET FORM: 9/30/2013

  
\_\_\_\_\_  
Michael Swanson  
Village Clerk



**Exhibit A**  
**Terms and Conditions of Approval**

## Exhibit "A"

### Rules and Conditions of the Class B - Proprietary License issued to Dave & Busters pursuant to Article 11 of the Vernon Hills Code of Ordinances

Pursuant to Section 11-34 (a), the Village Board imposes the following Rules and Conditions upon the Dave & Buster's location in Westfield Shopping Mall, 434 Hawthorn Center:

1. The Dave & Buster's location shall be deemed a Restaurant/beverage amusement device establishment. Alcoholic beverages may be served throughout the establishment subject to compliance with the Article 3 Alcoholic Liquor Control and the provisions of Article 11 Mechanical Vending Machines and Amusement Devices except as otherwise provided for herein and in the Special User Permit approved for the establishment, as the same may be amended from time to time.
2. For any Amusement Device, incidental mechanical grab devices, no prize available on a single play shall have a wholesale value greater than \$20.
3. Amusement devices which offer tickets that may be redeemed at a central redemption center within the facility for prizes, where the tickets are provided predominantly based on the skill of an individual in operating the machine, shall be allowed.
4. The Dave & Buster's location may have up to a maximum of 200 amusement devices within the tenant space defined herein.
5. A minimum of 40 square feet of floor area shall be devoted to each amusement device and will be measured on an aggregate basis. Such area shall include the machine, its immediate area and may include the aisles adjacent thereto.
6. No person under 18 years of age shall be allowed to play an amusement device licensed in the premises unless (1) such person is accompanied by a parent, guardian or other responsible adult who is 25 years of age or older; and (2) the premises are then being operated in compliance with all Special Use Permit conditions of approval including, but not limited to, the conditions that all servers of alcoholic beverages shall be fully trained in BASSET or another approved program. It is the intent of this section to deter the presence of unsupervised minors in locations serving alcoholic beverages.
7. It shall be unlawful for an on-site manager to permit any individual who is intoxicated or under the influence of drugs to remain on the premises. Any on-site manager who observes any individual on the premises to be intoxicated or under the influence of drugs or who reasonably suspects such individual to be under such intoxication or influence shall immediately cause the removal of such individual from the premises.

8. As a tenant of Westfield Hawthorn Shopping Mall, Dave & Buster's shall have the affirmative duty to report to the Police Department any and all incidents or reports of a disturbance of the peace as defined and regulated in this Code, and which takes place within the licensed premises or within 100 feet from the entrance. This includes incidents either observed by or reported to the on-site manager.
9. Dave and Buster's shall post signs in conspicuous locations indicating their policy for concealed carry whereby fire arms are required to be concealed and alcohol will not be served to any customer in possession of a fire arm.

**Exhibit B**  
**Plans**

Floor Plan for Dave and Busters prepared by Aria Group Architects, Inc, dated July 2, 2013  
consisting of page A12.2.



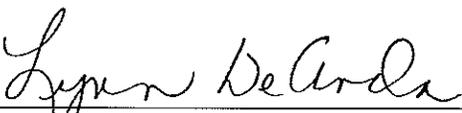
AFFIDAVIT OF SERVICE

STATE OF ILLINOIS     )  
  )  
COUNTY OF LAKE        )

I, MICHAEL S. ALLISON, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2013-049, AN ORDINANCE GRANTING APPROVAL OF A CLASS B PROPRIETARY LICENSE FOR DAVE & BUSTERS LOCATED AT 434 HAWTHORN CENTER, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM SEPTEMBER 30, 2013 TO OCTOBER 10, 2013.

  
\_\_\_\_\_  
MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE  
THIS 30TH DAY OF SEPTEMBER, 2013

  
\_\_\_\_\_  
Notary Public

OFFICIAL SEAL  
LYNN DEANDA  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 09/17/2015



