

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0801

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED AT 14354 & 14408 E. GURLER ROAD IN FLAGG TOWNSHIP

WHEREAS, the Estate of Glenna I. Robertson by Belinda Thomas, Executor, 1123 Frosty Morning Dr., Davis Junction, IL has filed a petition for a Map Amendment (Petition No. 4-15AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 14354 & 14408 E. Gurler Road in Flagg Township, and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on July 30, 2015 at which the petitioner's representative presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated July 30, 2015, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

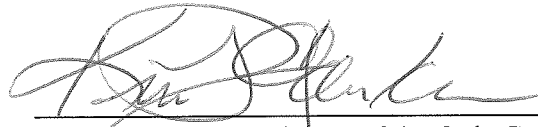
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of the Estate of Glenna I. Robertson by Belinda Thomas, Executor, 1123 Frosty Morning Dr., Davis Junction, IL for a Map Amendment (Petition No. 4-15AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 14354 & 14408 E. Gurler Road in Flag Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

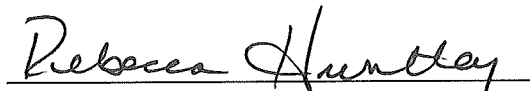
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF AUGUST 2015 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

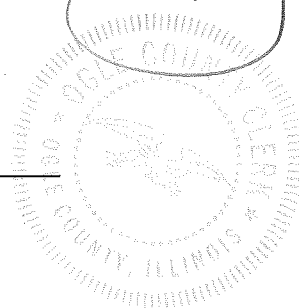


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

Part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Thirty-six (36), Township Forty (40) North, Range One (1) East of the Third (3rd) Principal Meridian, Ogle County, Illinois, described as follows, to wit:

Commencing at the Southwest corner of the Southwest Quarter (SW1/4) of said Section Thirty-six (36); thence North 88 degrees 35 minutes 50 seconds East, 834.73 feet along the South line thereof to the Point of Beginning of the following described parcel; thence continuing North 88 degrees 35 minutes 50 seconds East, 322.72 feet along said South line; thence North 01 degrees 23 minutes 33 seconds West, 287.00 feet; thence South 88 degrees 35 minutes 50 seconds West, 322.77 feet parallel with said South line; thence South 01 degree 24 minutes 10 seconds East, 287.00 feet to the Point of Beginning, containing 2.126 acres, more or less.

PARCEL 2

Part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) and part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Thirty-six (36), Township Forty (40) North, Range One (1) East of the Third (3rd) Principal Meridian, Ogle County, Illinois, described as follows, to wit:

Commencing at the Southwest corner of the Southwest Quarter (SW1/4) of said Section Thirty-six (36); thence North 88 degrees 35 minutes 50 seconds East, 1157.45 feet along the South line thereof to the Point of Beginning; thence North 01 degree 23 minutes 33 seconds West, 287.00 feet; thence North 88 degrees 35 minutes 50 seconds East, 472.00 feet parallel with said South line to a point on the West line of a private road described in Document No. 486055 in the Office of the Ogle County Recorder; thence South 01 degree 22 minutes 42 seconds East, 287.00 feet along said West line, to a point on the South line of said Southwest Quarter (SW1/4); thence South 88 degrees 35 minutes 50 seconds West, 471.93 feet along said South line to the Point of Beginning, containing 3.110 acres, more or less.

Property Identification Numbers (PIN): 24-36-352-004; 24-36-352-006; part of 24-36-352-005; and part of 24-36-376-003

Common Location: 14354 & 14408 E. Gurler Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.3709

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of The Estate of Glenna Iris Robertson by Belinda Thomas, Executor, 1123 Frosty Morning Dr., Davis Junction, IL in case #4-15AM. The applicant is requesting a map amendment to change the zoning classification from B-1 Business District to R-2 Single Family Residence District on Parcel Identification Nos. 24-36-352-004, 24-36-352-006, part of 24-36-352-005 and part of 24-36-376-003, a 5.23 acres tract of land more particularly described in the application as "Parcel 1" (2.126 acres) and "Parcel 2" (3.110 acres), which are located in part of the W ½ SW ¼ of Section 36, Township 40 North, Range 1 East of the 3rd P.M., Ogle County, Illinois. The sites are located in Flagg Township at 14354 E. Gurler Road and 14408 E. Gurler Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 30, 2015 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Rezoning of the site to R-2 to allow continued residential use of the site is compatible with the existing uses and zoning of nearby property, as the site is in close proximity to other established residential uses and zoning. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Continued residential use of the site will not create a burden on the County of Ogle and other public service providers, as no change in the intensity of use is proposed. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No adverse impacts or impact on the environment will result from the proposed map amendment, as no change in the use of the property will occur. Standard met.**
4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-2 zoning district, as it is currently, and has been used for single-family residential purposes. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **The trend of development in the immediate area along Gurler Road east of IL Route 251 is of existing and established residential uses. The proposed zoning classification of R-2 Single Family Residence District is consistent with this trend. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, as it will make an existing and established use consistent with the Zoning Ordinance and other established residential uses in the immediate vicinity; the proposed amendment is also consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval/denial. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from B-1 Business District to R-2 Single Family Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of July 2015 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
 Maynard Stivers
 Cody Considine
 Paul Soderholm
 Dennis Williams**

 Randy Ocken, Chairman

ATTEST:



 Michael Reibel, Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0802

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED AT 8976 N. BARKER ROAD IN BYRON TOWNSHIP

WHEREAS, Danny B. Carter, 10881 N. Hoisington Rd., Byron, IL has filed a petition for a Map Amendment (Petition No. 5-15AM) to re-zone from AG-1 Agricultural District to R-2 Single Family Residence District on property located at 8976 N. Barker Road in Byron Township, and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on July 30, 2015 at which the petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment. No member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated July 30, 2015, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

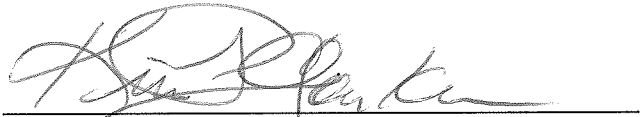
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Danny B. Carter, 10881 N. Hoisington Rd., Byron, IL for a Map Amendment (Petition No. 5-15AM) to re-zone from AG-1 Agricultural District to R-2 Single Family Residence District on property located at 8976 N. Barker Road in Byron Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

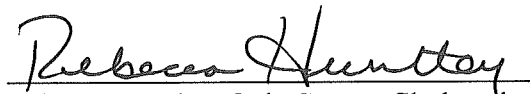
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF AUGUST 2015 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

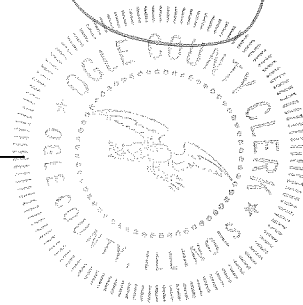


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL I:

Part of the East Half (1/2) of the East Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 19, Township 25 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows: Beginning at a point on the East line of the Southeast Quarter (1/4) of said Section 19, said point being 464.75 feet North of the Southeast corner of the Southeast Quarter (1/4) of said Section 19; thence Westerly at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course, a distance of 160.51 feet; thence Northerly at an angle of 89 degrees 46 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 280.83 feet; thence Westerly at an angle of 270 degrees 13 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 37.83 feet; thence Northerly at an angle of 89 degrees 46 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 578.76 feet to a point on the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 19; thence Westerly along said North line, at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course a distance of 132.25 feet to the Northwest corner of the East Half (1/2) of the East Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 19; thence Southerly along the West line of said East Half (1/2), at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 892.58 feet to a point 431.75 feet North of the Southwest corner of said East Half (1/2); thence Easterly at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course, a distance of 330.59 feet to a point on the East line of the Southeast Quarter (1/4) of said Section 19; thence Northerly along said East line, a distance of 33.00 feet to the point of beginning; AND ALSO: Part of the East Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 19, Township 25 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows, to-wit: Beginning at a point on the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 19, said point being 60.10 feet West of the East line of said Southeast Quarter (1/4); thence Westerly along said North line, a distance of 132.24 feet; thence Southerly at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 578.76 feet thence Easterly at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course, a distance of 37.83 feet; thence Northerly at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 382.82 feet; thence Easterly at an angle of 90 degrees 13 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 94.41 feet to a point 60.10 feet West of the East line of said Southeast Quarter (1/4); thence Northerly parallel to said East line, at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 195.93 feet to the point of beginning; *all* situated in the Township of Byron, the County of Ogle and State of Illinois.

PARCEL II:

Part of the East Half of the East Half of the Southeast Quarter of the Southeast Quarter of Section Nineteen (19), and part of the Southwest Quarter of Section Twenty (20), all in Township Twenty-five (25) North, Range Eleven (11) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, bounded and described as follows, to-wit: Beginning at a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section Nineteen, said point being 66.10 feet West of the East line of the Southeast Quarter of said Section Nineteen; thence Southerly parallel with said East line, at an angle of 90 degrees 13' 30" as measured clockwise from the North line of the Southeast Quarter of the southeast Quarter, a distance of 599.36 feet; thence Easterly at an angle of 90 degrees 12' 55" as measured clockwise from the last described course, a distance of 104.56 feet; thence Northerly at an angle of 88 degrees 29' 59" as measured clockwise from the last described course, a distance of 600.26 feet to a point 25.00 feet East of the East line of the Southeast Quarter of said Section Nineteen; thence Westerly at an angle of 91 degrees 03' 37" as measured clockwise from the last described course, a distance of 85.10 feet to the point of beginning; situated in the County of Ogle and the State of Illinois, EXCEPTING THEREFROM THE FOLLOWING: Part of the East Half of the Southeast Quarter of the Southeast Quarter of Section Nineteen (19), and part of the Southwest Quarter of Section Twenty (20), all in Township Twenty-five (25) North, Range Eleven (11) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, bounded and described as follows, to-wit: Commencing at a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 19, said point being 60.10 feet West of the East line of said Southeast Quarter; thence Southerly parallel to the East line of said Southeast Quarter, at an angle of 90 degrees 13' 30" as measured clockwise from the North line of said Southeast Quarter of the Southeast Quarter, a distance of 195.93 feet to the Point of Beginning of the following described tract of land; thence Southerly on an extension of the last described course, a distance of 403.113 feet; thence Easterly at an angle of 90 degrees 12' 55" as measured clockwise from the last described course, a distance of 104.56 feet; thence Northerly at an angle of 88 degrees 29' 59" as measured clockwise from the last described course, a distance of 404.30 feet; thence Westerly at an angle of 91 degrees 03' 37" as measured clockwise from the last described course, a distance of 95.50 feet to the Point of Beginning; situated in the County of Ogle and the State of Illinois.

Property Identification Numbers (PIN): 05-19-400-009 and 05-19-400-010

Common Location: 8976 N. Barker Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.3709

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Danny B. Carter, 10881 N. Hoisington Rd., Byron, IL in case #5-15AM. The applicant is requesting a map amendment to change the zoning classification from AG-1 Agricultural District to R-2 Single Family Residence District on Parcel Identification Nos. 05-19-400-009 and 05-19-400-010. Said parcel(s) are located in part of the SE 1/4 SE 1/4 of Section 19, Township 25 North, Range 11 East of the 4th P.M., Ogle County, Illinois, and are located in Byron Township at 8976 N. Barker Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 30, 2015 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Use of the site for large-lot residential use is compatible with the existing uses and zoning of nearby property, as there are 71 non-farm dwellings within 1/4 mile of the site, unincorporated land adjacent to the site is in similar large-lot residential use, a portion of the site adjoins a residential subdivision zoned R-2, and land adjacent to the west in the City of Byron is undeveloped but zoned for residential use. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Use of the site for large-lot residential use will not create a burden on the County of Ogle and other public service providers due to its location on a hard-surfaced road, relative proximity to public service providers, and the low density of development that will be generated on the site. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **Little or no adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from residential use of the site. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-2 zoning district, as it is located in a predominately residential area that contains both small parcels and large residential parcels similar to the proposed use, is located on a hard-surfaced Township road, is adjacent to the City of Byron, is not prime farmland and has a low LESA score. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is an established trend of development in the vicinity of residential uses and zoning. The proposed zoning classification of R-2 Single Family Residence District is consistent with this trend. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant as the LESA score indicates a low rating for protection, and the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from B-1 Business District to R-2 Single Family Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of July 2015 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
 Maynard Stivers
 Cody Considine
 Paul Soderholm
 Dennis Williams**

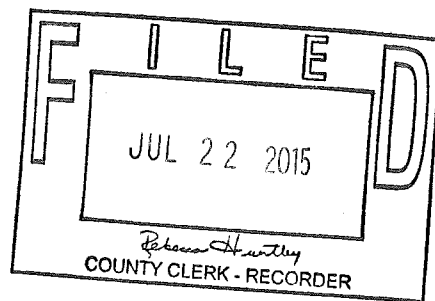
 Randy Ocken, Chairman

ATTEST:



 Michael Reibel, Secretary

PROTEST FORM



TO: Ogle County Board
c/o Ogle County Clerk
Ogle County Courthouse
105 S. 5th Street — Suite 104
Oregon, IL 61061

The undersigned hereby protest(s) and object(s) to the zoning application filed with the Ogle County Zoning Board of Appeals by:

Name of zoning petition applicant(s): Stephen Liphart

Petition Number (i.e. 00-00AM): # 5-15 AM-CARTER

My address is: 406 S Countryview Drive

My PIN is: 05-20-351-002
(10-digit property identification number located on tax bill)

My property is located (direction) East of the subject property of the zoning application.

My property (check appropriate box below and fill in the blank):

Immediately touches the perimeter of the subject property of the zoning application for a distance of 198 feet.

Is immediately across a street, alley, or public right-of-way from the perimeter of the subject property of the zoning application for a distance of _____ feet.

Neither of the above.

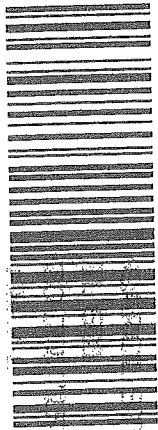
The undersigned is an owner* of the following described real property, located in Ogle County, Illinois (write legal description below, or attach as separate sheet):

Signed: [Signature] Date: July 10, 2015

Print Name: Stephen Liphart

*Note: If you are not the recorded titleholder in the Recorder's Office, please furnish documentation of your ownership interest in the property.

Stephen & Lorrie Liphart
4065 Countryview Drive
Byron IL 61010



7015 0640 0001 9184 9597

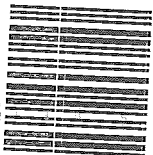
Ogle County Board
c/o Ogle County Clerk
Ogle County Courthouse
105 S. 5th St. - Suite 104
Oregon IL 61061

6106160229

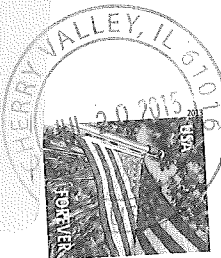
POSTAGE WILL BE PAID BY ADDRESSEE



1000



61061



U.S. POSTAGE
PAID
CHERRY VALLEY, IL
JUL 20, 2015
\$6.25
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NO NOTICE
NECESSARY

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0803

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY
LOCATED AT 8976 N. BARKER ROAD IN BYRON TOWNSHIP

WHEREAS, Danny B. Carter has filed a petition for a Special Use Permit in the R-2 Single Family Residence District (Petition No. 3-15SU) to allow a two-family dwelling on property located at 8976 N. Barker Road in Byron Township and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on July 30, 2015, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no member(s) of the public spoke in favor of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be granted as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated July 30, 2015, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit be granted; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that granting the Special Use Permit in the R-2 Single Family Residence District (Petition No. 3-15SU) to allow a two-family dwelling would be consistent with the requirements established by Section 16-9-8C of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:


SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact set forth above, the petition of Danny B. Carter for a Special Use Permit in the R-2 Single Family Residence District (Petition No. 3-15SU) to allow a two-family dwelling on property located at 8976 N. Barker Road in Byron Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.


SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF AUGUST 2015 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

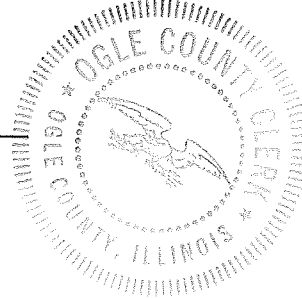


EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

Part of the East Half (1/2) of the East Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 19, Township 25 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows: Beginning at a point on the East line of the Southeast Quarter (1/4) of said Section 19, said point being 464.75 feet North of the Southeast corner of the Southeast Quarter (1/4) of said Section 19; thence Westerly at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course, a distance of 160.51 feet; thence Northerly at an angle of 89 degrees 46 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 280.83 feet; thence Westerly at an angle of 270 degrees 13 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 37.83 feet; thence Northerly at an angle of 89 degrees 46 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 578.76 feet to a point on the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 19; thence Westerly along said North line, at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course a distance of 132.25 feet to the Northwest corner of the East Half (1/2) of the East Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 19; thence Southerly along the West line of said East Half (1/2), at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 892.58 feet to a point 431.75 feet North of the Southwest corner of said East Half (1/2); thence Easterly at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course, a distance of 330.59 feet to a point on the East line of the Southeast Quarter (1/4) of said Section 19; thence Northerly along said East line, a distance of 33.00 feet to the point of beginning; AND ALSO: Part of the East Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 19, Township 25 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows, to-wit: Beginning at a point on the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 19, said point being 60.10 feet West of the East line of said Southeast Quarter (1/4); thence Westerly along said North line, a distance of 132.24 feet; thence Southerly at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 578.76 feet thence Easterly at an angle of 89 degrees 46 minutes 30 seconds as measured clockwise from the last described course, a distance of 37.83 feet; thence Northerly at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 382.82 feet; thence Easterly at an angle of 90 degrees 13 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 94.41 feet to a point 60.10 feet West of the East line of said Southeast Quarter (1/4); thence Northerly parallel to said East line, at an angle of 90 degrees 13 minutes 30 seconds as measured clockwise from the last described course, a distance of 195.93 feet to the point of beginning; *all* situated in the Township of Byron, the County of Ogle and State of Illinois.

PARCEL II:

Part of the East Half of the East Half of the Southeast Quarter of the Southeast Quarter of Section Nineteen (19), and part of the Southwest Quarter of Section Twenty (20), all in Township Twenty-five (25) North, Range Eleven (11) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, bounded and described as follows, to-wit: Beginning at a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section Nineteen, said point being 66.10 feet West of the East line of the Southeast Quarter of said Section Nineteen; thence Southerly parallel with said East line, at an angle of 90 degrees 13' 30" as measured clockwise from the North line of the Southeast Quarter of the southeast Quarter, a distance of 599.36 feet; thence Easterly at an angle of 90 degrees 12' 55" as measured clockwise from the last described course, a distance of 104.56 feet; thence Northerly at an angle of 88 degrees 29' 59" as measured clockwise from the last described course, a distance of 600.26 feet to a point 25.00 feet East of the East line of the Southeast Quarter of said Section Nineteen; thence Westerly at an angle of 91 degrees 03' 37" as measured clockwise from the last described course, a distance of 85.10 feet to the point of beginning; situated in the County of Ogle and the State of Illinois, EXCEPTING THEREFROM THE FOLLOWING: Part of the East Half of the Southeast Quarter of the Southeast Quarter of Section Nineteen (19), and part of the Southwest Quarter of Section Twenty (20), all in Township Twenty-five (25) North, Range Eleven (11) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, bounded and described as follows, to-wit: Commencing at a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 19, said point being 60.10 feet West of the East line of said Southeast Quarter; thence Southerly parallel to the East line of said Southeast Quarter, at an angle of 90 degrees 13' 30" as measured clockwise from the North line of said Southeast Quarter of the Southeast Quarter, a distance of 195.93 feet to the Point of Beginning of the following described tract of land; thence Southerly on an extension of the last described course, a distance of 403.113 feet; thence Easterly at an angle of 90 degrees 12' 55" as measured clockwise from the last described course, a distance of 104.56 feet; thence Northerly at an angle of 88 degrees 29' 59" as measured clockwise from the last described course, a distance of 404.30 feet; thence Westerly at an angle of 91 degrees 03' 37" as measured clockwise from the last described course, a distance of 95.50 feet to the Point of Beginning; situated in the County of Ogle and the State of Illinois.

Property Identification Numbers (PIN): 05-19-400-009 and 05-19-400-010

Common Location: 8976 N. Barker Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.2229

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Danny B. Carter, 10881 N. Hoisington Rd., Byron, IL, in case #3-15SU. The applicant is requesting a Special Use Permit in the R-2 Single Family Residence District to allow a two-family dwelling on part of Parcel Identification Nos. 05-19-400-009 and 05-19-400-010, a 4.30 acre parcel which is part of Section 19, Township 25N, Range 11E of the 4th Principal Meridian and is located in Byron Township at 8976 N. Barker Road.

After due notice as required by law, the Zoning Board of Appeals held a public hearing in this case on July 30, 2015 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.08(C) (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **No evidence has been presented that would indicate a two-family dwelling would be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed two-family dwelling is similar in scale and intensity to other single-family dwellings in the vicinity, and is well buffered from adjoining uses. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.**

4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from N. Barker Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use of a two-family dwelling can be operated in a manner that is not detrimental to the permitted developments and uses in the R-2 zoning district, will be visually compatible with the area, and is deemed essential and desirable. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the R-2 zoning district regulations. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the R-2 Single Family Residence District be granted to allow a two-family dwelling.


ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of July 2015 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
Maynard Stivers
Cody Considine
Paul Soderholm
Dennis Williams**

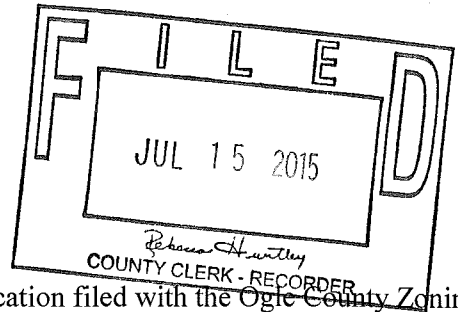
Randy Ocken, Chairman

ATTEST:



Michael Reibel, Secretary

PROTEST FORM



TO: Ogle County Board
c/o Ogle County Clerk
Ogle County Courthouse
105 S. 5th Street — Suite 104
Oregon, IL 61061

The undersigned hereby protest(s) and object(s) to the zoning application filed with the Ogle County Zoning Board of Appeals by:

Name of zoning petition applicant(s): Stephen Liphart

Petition Number (i.e. 00-00AM): # 3-155U-CARTER

My address is: 4063 Countryview Drive

My PIN is: 05-20-351-002
(10-digit property identification number located on tax bill)

My property is located (direction) East of the subject property of the zoning application.

My property (check appropriate box below and fill in the blank):

Immediately touches the perimeter of the subject property of the zoning application for a distance of 198 feet.

Is immediately across a street, alley, or public right-of-way from the perimeter of the subject property of the zoning application for a distance of _____ feet.

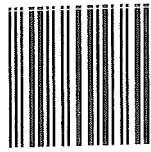
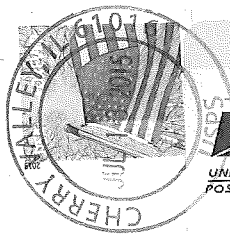
Neither of the above.

The undersigned is an owner* of the following described real property, located in Ogle County, Illinois (write legal description below, or attach as separate sheet): RNG/BLK:11 TWP:25 SECT/LOT 20 Lot 36 Twin Oaks SUB

Signed: [Signature] Date: July 10, 2015

Print Name: Stephen Liphart

*Note: If you are not the recorded titleholder in the Recorder's Office, please furnish documentation of your ownership interest in the property.

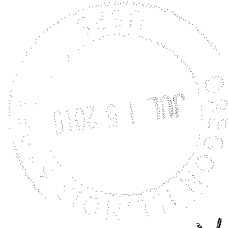


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CHERRY VALLEY, IL
61016
JUL 13, 15
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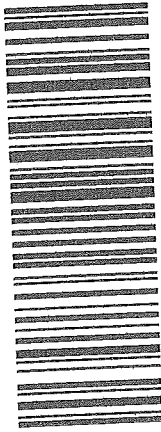
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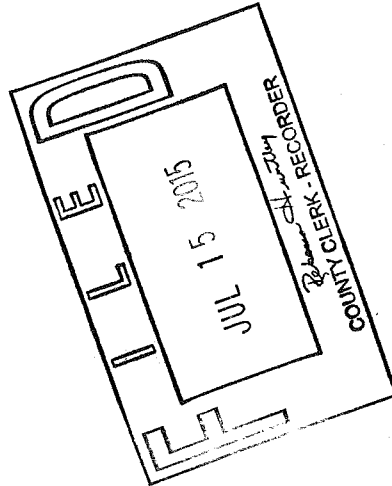
CERTIFIED MAIL



7015 0640 0001 9184 9580

Ogle County Board
c/o Ogle County Clerk
Ogle County Courthouse
105 S. 5th Street - Suite 104
Oregon IL 61061

Stephen & Lorrie Liphart
4065 Countryview Drive
Byron IL 61010



6106181602

Ogle County Retail Tobacco Licensing Ordinance

Adoption by Reference:

In addition to those provisions set forth in this code, this division shall interpret and enforce in accordance with provisions set forth in the following statutes, rules and regulations of the state of Illinois and subsequent amendments and revisions thereto, which publications are incorporated herein and adopted as they apply to commercial and public facilities.

- (1) Cigarette Tax Act (35 ILCS 130)
- (2) Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act (720 ILCS 675)
- (3) Display of Tobacco Products Act (720 ILCS 677)
- (4) Prevention of Cigarette Sales to Minors Act (720 ILCS 678)
- (5) Smokeless Tobacco Limitation Act (720 ILCS 680)
- (6) Tobacco Accessories and Smoking Herbs Control Act (720 ILCS 685)
Revisions to state code and others as they apply

Section:

License Required
License Application
License Fee and Enforcement
Compliance Enforcement
Sales to Persons Under Minimum Age Established by State Law Prohibited
Minimum Age for Persons Selling Tobacco
Signs
Purchase by Minors Prohibited
Possession by Minors Prohibited
Certain Free Distributions Prohibited
Other Sales Prohibited
Vending Machines
Responsibility for Agents and Employees
Penalties
Suspension; Revocation of License; Fines; Costs
Use of Premises after Revocation
Ineligibility
Severability

DEFINITIONS.

As used in this article, the following underlined terms shall have the meaning ascribed to each such term as set forth below:

Motion defeated 9 - 13

Electronic Smoking Device: Any electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic Smoking Device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of a disease.

Electronic Smoking Device Paraphernalia: Any cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

Health Department: Refers to Ogle County Health Department, and any agency or Person designated by the Health Department to enforce or administer the provisions of this article.

Licensee: Any person, as defined below, obtaining a tobacco seller's license under this article.

Person: Any natural person, company, corporation, firm, partnership, organization, or other legal entity.

Smoking Paraphernalia: Refers to any Tobacco Paraphernalia, Electronic Smoking Devices, and Electronic Smoking Devices Paraphernalia.

Tobacco Paraphernalia: Refers to any cigarette papers or wrappers, pipes, cigarette rolling machines, or any other item designed for the consumption or preparation of Tobacco Products.

Tobacco Products: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco, or contains synthetically produced nicotine and is intended for human consumption. "Tobacco Products" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Tobacco Retailer: Any Person who sells, offers, for sale, or does or offers to exchange any form of consideration, tobacco, Tobacco Products or Smoking Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, Tobacco Products, or Smoking Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

Vending Machine: Any mechanical, electric or electronic, self-service device, which must be housed indoors and, upon insertion of money, tokens, or any other form of payment, dispenses tobacco

LICENSE REQUIRED

It shall be unlawful for any Person to act as a Tobacco Retailer in Ogle County without first obtaining a valid Tobacco Retailer's license pursuant to this article for each location at which that activity is to occur.

Such a license shall be in addition to any other license required by County or state law.

Motion defeated 9 - 13

LICENSE APPLICATION

- A. Application for a Tobacco Retailer's license shall be made in writing on a form provided by the Health Department, signed by the applicant (as owner or legal representative) and verified by oath.
- B. Each application must be accompanied by a nonrefundable filing fee determined on an annual basis by the Board of Health.
- C. Each applicant shall supply the following information as part of the application:
 - 1. Date.
 - 2. Name of business
 - 3. Address of business
 - 4. Permanent parcel number
 - 5. Written proof that the individual is at least eighteen (18) years of age.
 - 6. The applicant's height, weight, color of eyes and hair.
 - 7. The applicant's tax identification number.

All application for renewal of license shall be made on or before thirty (30) days prior to expiration thereof. Failure to make timely application shall cause the license to not renew. The license period shall be December 1 to November 30.

LICENSE FEE AND ENFORCEMENT

An annual license fee and renewal fee payable to the Health Department shall be charged to obtain a license and act as a Tobacco Retailer in Ogle County. All moneys collected shall be deposited in the Health Department's general fund.

A separate license must be obtained for each point of sale maintained by the seller within the County. Point of sale means a store, stand, vending machine or other place of business maintained by the seller from which Tobacco Products are made available. Point of sale does not include separate cash registers, service counters or vending machines within the same store or at the same location.

Each Tobacco Retailer license shall be prominently displayed in a publicly visible location at the licensed location.

Motion defeated 9 - 13

COMPLIANCE ENFORCEMENT

The Health Department, or any agency or Person designated by the Health Department, shall be required to ensure that each retail vendor for Tobacco Products is inspected for compliance. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to hinder compliance inspection in any manner.

The Health Department, or any agency or Person designated by the Health Department, shall conduct Tobacco Product compliance operations pursuant to the policy and standards adopted and amended by the Health Department.

The Health Department is to report to the Ogle County Board of Health any violations of this article by a license holder.

It shall not be considered a violation of this article for the Health Department, or any agency or Person designated by the Health Department, to use Persons under the minimum age established by state law to purchase or attempt to purchase Tobacco Products for the purpose of monitoring compliance with this section, if those underage persons are supervised by personnel of the Health Department or designated agency and the consent of a parent or guardian has been obtained (720 ILCS 675/1.e).

SALES TO PERSONS UNDER MINIMUM AGE ESTABLISHED BY STATE LAW PROHIBITED

- A. It shall be unlawful for any Person, including any licensee, to sell, offer for sale, buy for, give away, or to deliver Tobacco Products or Smoking Paraphernalia to any Person under the minimum age established by state law (720 ILCS 675/1).
- B. It shall be an affirmative defense that the seller of a Tobacco Product or Smoking Paraphernalia, to a person under the minimum age established by state law for purchasing Tobacco Products, had requested and examined government issued photographic identification from such Person establishing that Person's age to be at least the minimum age established by state law prior to selling that Person Tobacco Products. The failure of the seller to request government issued photographic identification prior to the sale of a Tobacco Product or Smoking Paraphernalia to the person under the minimum age established by state law shall be construed against the seller and form a conclusive basis for the seller's violation of this article.

MINIMUM AGE FOR PERSONS SELLING TOBACCO

- A. It shall be unlawful for any Person, including any licensee, to sell, offer for sale, buy for, give away or deliver Tobacco Products or Smoking Paraphernalia to any Person younger than the minimum age established by state law for purchase or possession of Tobacco Products (720 ILCS 675/1).

Motion defeated 9 - 13

- B. No person engaged in Tobacco Retailing shall sell or transfer a Tobacco Product or Smoking Paraphernalia to another Person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the Tobacco Product or Smoking Paraphernalia.

SIGNS

Signs informing the public of the age restrictions provided herein shall be posted by every licensee at or near every display of Tobacco Products or Smoking Paraphernalia and on or upon every Vending Machine which offers Tobacco Products for sale.

PURCHASE BY MINORS PROHIBITED

It shall be unlawful for any Person under the minimum age established by state law to purchase Tobacco Products or Smoking Paraphernalia, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing Tobacco Products or Smoking Paraphernalia. Any violation of this section shall be prosecuted by the state's attorney's office as an ordinance violation (720 ILCS 675/1.a).

POSSESSION BY MINORS PROHIBITED

It shall be unlawful for any Person under the minimum age established by state law to possess or use Tobacco Products or Smoking Paraphernalia. Any violation of this section shall be prosecuted by the state's attorney's office as an ordinance violation (720 ILCS 675/1.a-7).

CERTAIN FREE DISTRIBUTIONS PROHIBITED

It shall be unlawful for any licensee or any Person in the business of selling or otherwise distributing, promoting, or advertising Tobacco Products, or any employee or agent of any such licensee or Person, in the course of such licensee's or Person's business, to distribute, give away, or deliver Tobacco Products or Smoking Paraphernalia free of charge to any Person in any portion of the County (720 ILCS 675/1.a-8).

OTHER SALES PROHIBITED

It shall be unlawful for any Person, including any licensee, to sell, offer for sale, give away, or deliver Tobacco Products or Smoking Paraphernalia other than In the original manufacturer's packaging, sealed and with the required health warning. This subsection does not apply to cigars. Single sales of cigarettes are expressly prohibited (720 ILCS 675/1.d).

Motion defeated 9 - 13

VENDING MACHINES

- A. It shall be unlawful for any licensee to sell or offer for sale, give away, deliver, or to keep with the intention of selling, giving away or delivering tobacco products by use of a Vending Machine, unless such Vending Machine is equipped with a manual, electric, or electronic locking device controlled by the licensee so as to prevent its operation by Persons under the minimum age established by state law.

- B. Any premises where access by Persons under the minimum age established by state law is prohibited by law, or premises where the public is generally not permitted and where Vending Machines are strictly for the use of employees of business located at such premises, shall be exempt from this requirement (720 ILCS 675/1.b).

RESPONSIBILITY FOR AGENTS AND EMPLOYEES

Every act or omission of whatsoever nature, constituting a violation of any of the provisions by any officer, director, manager, or other agent or employee of any license shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

PENALTIES

Any Person found guilty of a violation shall be fined as follows:

Section Violated	Fine
LICENSE APPLICATION	\$500.00
SALES TO PERSONS UNDER THE MINIMUM AGE ESTABLISHED BY STATE LAW (720 ILCS 675/2)	
First Offense	\$200.00
Second Offense	\$400.00
Third Offense	\$600.00
SIGNS	\$50.00
PURCHASE BY MINORS (720 ILCS 675/2)	
First Offense	\$25.00

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Second Offense	\$50.00
Third or Subsequent Offense	\$100.00
POSSESSION BY MINORS (720 ILCS 675/2)	
First Offense	\$50.00
Second Offense	\$75.00
Third or Subsequent Offense	\$200.00
CERTAIN FREE DISTRIBUTIONS (720 ILCS 675/2)	
First Offense	\$200.00
Second Offense	\$400.00
Third or Subsequent Offense	\$600.00
OTHER SALES PROHIBITED (720 ILCS 675/2)	\$500.00
VENDING MACHINES (720 ILCS 675/2)	\$200.00

SUSPENSION; REVOCATION OF LICENSE; FINES; COSTS

- A. The Chairman of the County Board of Ogle County, State of Illinois, shall make all determinations with respect to revocation or suspension of any Tobacco Retailer's license. The chairman of the County Board may designate a Person or Persons to assist in the performance of these duties. No such license shall be so revoked or suspended and no licensee shall be administratively fined without an administrative hearing held by the chairman of the County Board or the appointed designee. The licensee shall receive written notice by certified mail or personal service from the notice by certified mail or personal service from the chairman of the County Board at least seven (7) days prior to the hearing so that said licensee may appear and defend against the charges or admit to said charges in writing and waive a right to an administrative meeting. Such admission and waiver must be in writing and submitted to the chairman of the County Board or the appointed designee.
- B. The chairman or appointed designee may levy a fine on the licensee. The fine imposed shall be at least five hundred dollars (\$500.00) for each violation. Each day on which a violation continues shall constitute a separate violation.
- C. Upon a determination made by the chairman of the County Board or appointed designee that the licensee has violated any provisions of this chapter for a first time; the chairman may levy a fine on the licensee. The fine imposed shall be at least five hundred dollars (\$500.00) and not more than

Motion defeated 9 - 13

one thousand dollars (\$1,000.00) for each violation. Each day on which a violation continues shall constitute a separate violation.

- D. For a second violation of this article occurring after conviction of a first and within a twelve (12) month period, the chairman shall suspend the license of the violator for up to six (6) months. For a third violation occurring after the second and within twelve (12) months, the chairman shall suspend the license of the violator for at least six (6) months nor more than one (1) year.
- E. The chairman of the County Board or appointed designee may designate an administrative hearing officer to conduct hearings on alleged violations and to conduct revocation/suspension hearings.
- F. The chairman of the County Board or appointed designee shall within seven (7) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order and either the amount of the fine, the period of suspension or that the license has been revoked and serve a copy of such order within seven (7) days upon the licensee.
- G. Any licensee determined by the chairman or appointed designee to have violated any of the provisions of this article shall pay to the County the costs of the hearing on such violation. The chairman or appointed designee shall determine the costs incurred by the County for said hearing, including, but not limited to: court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the County.
- H. The licensee shall pay said costs to the County within thirty (30) days of notification of the costs by the chairman or appointed designee. Failure to pay said costs within thirty (30) days of notification is a violation of this chapter and may be cause for license suspension, revocation, or the levy of a fine.

USE OF PREMISES AFTER REVOCATION.

When any license shall have been revoked for any cause, no license shall be granted to said licensee for the period of at least one (1) year thereafter for the conduct of the business of selling tobacco products.

INELIGIBILITY

Any Person found guilty of violating this article shall be ineligible to apply for a Tobacco Retailer's license under this article for at least one (1) year following the date of conviction.

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.

All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this article are, to the extent of such conflict, hereby repealed.

DATE OF EFFECT:

The Division shall be in full force and effect from and after October 1, 2015. At that time, all resolutions and parts in conflict with this Division are hereby repealed.

Passed and adopted this 18th day of August, 2015 by the Ogle County Board

Attest: _____
Ogle County Clerk

Ogle County Board Chairman