

**CITY OF AURORA LOCAL LIQUOR COMMISSIONER POINT VALUES FOR LIQUOR VIOLATIONS, REVOCATIONS AND SUSPENSIONS, AND EXTENSION OF HOURS POLICY**

- (a) Purpose: The purpose of this policy is to administratively interpret those provisions of this section relating to establishing a liquor demerit point system to assist in determining if a license holder should be subject to suspension or revocation procedures as well as granting or denying extra hours requests. (Secs. 6-3 and 6-28).
  
- (b) Point schedule: The scale of demerit points is listed according to the type of alcohol beverage license violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated the City of Aurora Municipal Code and/or the Liquor Control Act of 1934 (235 ILCS 5/1, et seq.) for the purpose of recommending the ability to operate later hours during certain dates of the year, or suspension or revocation of their alcohol beverage license.

**CITY OF AURORA LOCAL LIQUOR LICENSEE POINT SCHEDULE**

| <b>Code Section</b> | <b>Type of Violation</b>  | <b>Point Value (per violation)</b> |
|---------------------|---|------------------------------------|
| § 6-4               | Failure to be licensed  | 100                                |
| § 6-29              | Underage Consumption/Possession   | 50                                 |
| § 6-8               | Underage Person in restricted areas   | 25                                 |
| § 6-28              | Sale After Hours  | 50                                 |
| § 6-28              | Open after hours/failure to vacate  | 25                                 |
| § 6-3               | Failure to permit search of licensed premises   | 50                                 |
| § 6-6               | False statement on application  | 50                                 |
| § 6-20              | Failure to register a manager   | 50                                 |
| § 6-15              | Failure to report entertainment   | 30                                 |
| § 6-29              | Sale of Alcohol to Intoxicated Person/overserve   | 30                                 |
|                     | Calls for service that result in a felony charge.<br><u>Factors to consider</u> : Who reported incident?/Over-service of patron by bar staff?/Nature of offense charged?      | 30                                 |
|                     | Calls for service that result in a misdemeanor charge.<br><u>Factors to consider</u> : Who reported incident?/Over-service of patron by bar staff?/Nature of offense charged? | 25                                 |

|            |  |       |
|------------|--|-------|
| § 6-21     | Unsanitary Licensed Premises   | 15    |
| § 6-23     | Failure to complete Basset training  | 50    |
| § 6-34     | Improper Exhibitions/Prohibited Conduct                                      | 50    |
| § 6-16     | Sound amplification issues   | 25    |
| Chapter 12 | Chapter 12 – Building Code cases   | 0-50  |
| § 6-11     | Failure to Display license   | 25    |
| § 6-11     | Exceeding posted occupancy capacity  | 25    |
| § 6-3      | Refusal to cooperate with City Officials                                     | 50    |
| § 6-6      | Accounts with City not in good standing                                      | 50    |
| § 6-18     | Failure to display exterior sign   | 15    |
| § 6-17     | Failure to control parking lot and adjacent premises                         | 30    |
|            | Any other violation of the City Ordinances or State Statute not listed above | 0-100 |

(c) Calculating Violations: A twelve (12) month rolling period shall be used in determining the accumulated demerit points against a license holder. The City shall use the date each violation was committed as the basis for the determination. Demerit points shall be assigned only upon determination by the hearing officer, based upon a preponderance of evidence that a violation occurred.

(d) Extension of Hours determination: For certain holidays (New Year’s Eve, St. Patrick’s Day, Cinco Day Mayo) the City accepts applications from local licensed liquor establishments to be open extended hours. These establishments must hold a license that allows for consumption on the premises. The decision to grant the extension is made by the Local Liquor Control Commissioner (“Commissioner”), the Mayor. The criteria that the Commissioner shall use to grant or deny the extension of hours request is the above point system. The Commissioner shall not grant an hours extension to any establishment having 50 points in the preceding 12 month period.

(e) Suspension or Revocation of License:

- a. A licensee is automatically assessed demerit points in accordance with the schedule in this section upon a conviction or adjudication of a violation. The Commissioner shall call before him/her for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve month rolling period as a result of court/hearing officer imposed convictions or adjudications or other violations of Chapter 6. The Commissioner may also initiate a revocation or suspension hearing of a

licensee who is subject to a pending criminal charge, or who has been convicted of a felony, misdemeanor or other offense that the circumstances of which substantially relate to the licensed activity regardless of whether such charge or conviction is included in the demerit point schedule.

- b. If the demerit point accumulation calculated from the date of violation meets or exceeds 100 points in a twelve (12) month rolling period the suspension shall be for not less than three (3) days nor more than ninety (90) days. If the licensee or permit is revoked, no other license or permit shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.
- (f) Transfer/Sale of licensed business: Upon the transfer or sale of the licensed business, all accumulated demerit points shall be canceled unless any of the following apply:
- a. The new licensee is related to the former licensee by blood, adoption or marriage;
  - b. The new licensee held a business interest in the previous licensed business, real estate or equipment;
  - c. The former licensee or an individual related to the former licensee by blood, adoption or marriage retains and interest in the business, real estate or equipment used by the business;
  - d. The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in the code.