



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019-112
DATE OF PASSAGE December 17, 2019

An Ordinance Amending Chapter 6, Sec. 6-5. - Application for license, Sec. 6-7. - Term of license; renewals and Sec. 6-10. - Special permits.

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 for the City of Aurora to amend its ordinances regarding Alcoholic Liquor.

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

Section One: That Chapter 6 of the City of Aurora Code of Ordinances shall be and hereby is amended as set forth in Exhibit A.

Section Two: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict

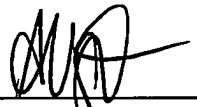
Section Four: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

ORDINANCE NO. 019-112
DATE OF PASSAGE December 17, 2019


PASSED AND APPROVED ON December 17, 2019

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ATTEST:



City Clerk



Mayor

19-1082

RECOMMENDATION

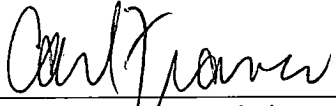
TO: THE COMMITTEE OF THE WHOLE


FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE


The Rules, Administration and Procedures Committee at the regular scheduled meeting on **Tuesday, December 3, 2019** recommended **APPROVAL** of An Ordinance Amending Chapter 6, Sec. 6-5. - Application for license, Sec. 6-7. - Term of license; renewals and Sec. 6-10. - Special permits.

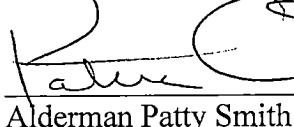
VOTE: 5-0

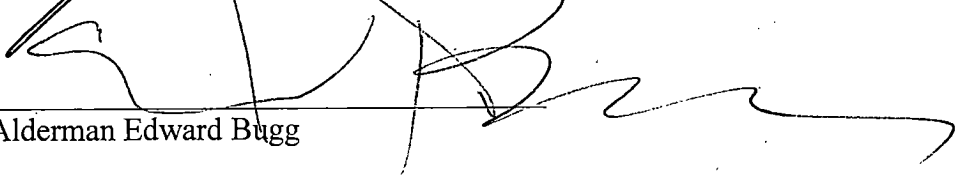
Submitted By:


Alderman Carl Franco, Chairperson


Alderman William Donnell


Alderman Emmanuel Llamas, Vice Chairperson


Alderman Patty Smith


Alderman Edward Bugg

Dated this 3rd day of December, 2019

1 Sec. 6-5. - Application for license.

2 (a) Only completed applications, with required documentation,
3 shall be considered by the liquor control commissioner. No
4 license may be issued until all information and documentation
5 required in the application has been provided. Applications
6 deemed incomplete and remaining incomplete for longer than
7 sixty (60) business days shall be denied.

8 (b) Applicants for a liquor license shall provide the local
9 liquor control commissioner with a written statement of the
10 following:

11 (1) The applicant's full name, address, and date of birth.
12 ~~and place of birth:~~

13 a. In the case of an individual the full name, address,
14 and date of birth ~~and place of birth~~ of the applicant.

15 b. In the case of a co-partnership the full name,
16 address, and date of birth ~~and place of birth~~ of all
17 persons entitled to share in the profits thereof.

18 c. In the case of a corporation the name, address, and
19 date of birth ~~and place of birth~~ of all officers,
20 directors, regional manager, on-site manager and
21 persons owning directly or beneficially stock of such
22 corporation.

1 d. In the case of a limited liability company, the name,
2 address, and date of birth ~~and place of birth~~ of all
3 members and managers directly owning or having an
4 interest in such entity.

5 (2) The full name, address, and date of birth ~~and place of~~
6 ~~birth~~ of the person acting as manager of a licensed
7 premises.

8 (3) ~~The type of business of the applicant and the objects~~
9 ~~for which such business is organized.~~ Reserved.

10 (4) The length of time the applicant has been in such
11 business or, in the case of a corporation, the date when
12 its charter was issued. In addition:

13 a. If an Illinois corporation, the date of incorporation
14 and a certificate of good standing from the Secretary
15 of State shall be provided.

16 b. If a foreign corporation, the date of becoming
17 qualified to transact business under the Business
18 Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to
19 transact business in the state shall be provided.

20 c. If an Illinois limited liability company, the date of
21 organization and a certificate of good standing from
22 the Secretary of State shall be provided.

1 (5) The location and description of the premises or place of
2 business which is to be operated under such license. In
3 addition:

4 a. The name and address of the owner of the premises
5 shall be given. If the premises is held in a trust the
6 names and addresses of all owners of the beneficial
7 interests of the trust shall be given.

8 b. If the premises is a leased premises, a copy of the
9 lease shall be provided. Such lease shall be for a term
10 of sufficient length to encompass the period of the
11 license sought.

12 (6) Whether applicant has made application for a similar
13 license or any other license for the premises except as
14 described in this application and the disposition of such
15 application.

16 (7) Whether a previous license by any state or subdivision
17 thereof, or by the federal government has been issued, if
18 so where and when, or if any such license has been revoked
19 or suspended and the reasons thereof.

20 (c) The application shall be sworn to by the applicant, if an
21 individual, and by at least two (2) members of any
22 partnership applying for such a license. Applications by
23 corporations shall be subscribed and sworn to by the

1 president of said corporation and attested to by the
2 secretary of the corporation for that purpose. Applications
3 by limited liability companies shall be subscribed and sworn
4 to by the principal member or managing member of said company
5 and attested to by a valid notary public.

6 (d) The applicant must produce proof of dram shop liability
7 insurance at the required statutory maximum limits set forth
8 in the Liquor Control Act, 235 ILCS 5/1-1 et seq. as amended
9 from time to time.

10 (e) Copy of current state-certified beverage alcohol
11 sellers/servers training (BASSET) certificates for anyone
12 -serving alcohol and all managers and assistant managers.

13 (fe) The applicant shall complete and file a certificate of
14 registration application with the city and produce the
15 appropriate bonds pursuant to section 44-124.

16 (~~f~~g) If the applicant is seeking a Class B-fraternal society or
17 club license he shall file with the local liquor control
18 commissioner a list of names, addresses, and dates of birth
19 of its officers ~~and members~~, and similarly shall file the
20 name of any new officer within ten (10) days of his election.

21 (hg) All applications shall be accompanied by an application
22 fee that shall be nonrefundable and inapplicable to the
23 annual license fee.

1 (i~~h~~) The local liquor control commissioners shall require that
2 any new applicant, manager(s), and assistant manager(s) for a
3 liquor license shall submit to a background check, and shall
4 provide the local liquor control commissioner with any
5 documents necessary for said background check.

6 (j~~±~~) Prior to the issuance of any liquor license, the applicant
7 must provide the local liquor control commissioner with a
8 certificate of occupancy for the licensed premises.

9 (k~~j~~) Upon approval of the application and issuance of any new
10 liquor license, the licensee will be placed on a one-year
11 probation period. During said probationary period, if the
12 licensee violates any section of the liquor ordinance, as
13 specified in a probationary agreement that includes a
14 management plan, put forth to the licensee prior to the
15 issuance of a license, a liquor hearing will be called and
16 the license may be revoked immediately, with no progressive
17 discipline required.

18 (l~~k~~) In the event that the local liquor control commissioner
19 refuses to grant a license, ~~h~~the local liquor control
20 commissioner —shall place on file in the City Clerk's ~~his~~
21 office the rejected application and a document setting forth
22 reasons for the commissioner's ~~his~~—refusal to grant the
23 license. Copies of the rejected application and the document
24 setting forth the reasons for refusal shall also be served by

1 ~~certified mail~~regular U.S. mail and email (as provided in the
2 application)—upon the applicant for the license at the
3 address stated on the license application. The rejected
4 applicant may, within ten (10) days from the receipt of said
5 notice of rejection, request a hearing before the local
6 liquor control commissioner, at which time all interested
7 parties shall be heard per section 6-30.

8 (m±) The decision of the local liquor control commissioner
9 granting or refusing to grant a city license following
10 hearing shall lie to the state liquor control commission, and
11 shall be on the record, and not de novo.

12 (nm) No person shall knowingly furnish false or misleading
13 information or withhold any relevant information on any
14 application for any license required by this chapter nor
15 knowingly cause or suffer another to furnish or withhold such
16 information on his behalf. No person shall knowingly furnish
17 any false or misleading information in the investigation of
18 any application for a license required by this chapter. No
19 person shall willfully withhold any information that is
20 relevant to any such investigation when called upon by any
21 city representative to furnish such information. The
22 furnishing of false or misleading information or withholding
23 any relevant information on any application for any license
24 required by this chapter shall be grounds for denial of any

1 such application, or if discovered after the issuance of any
2 such license, shall be grounds for a fine and/or suspension
3 or revocation of the license.

4 (~~on~~) All applicants shall provide information with their
5 application detailing any and all camera equipment located on
6 the interior and/or exterior of the applicant's premises as
7 the police department may request, and further, all
8 applicants shall agree by signature on the application that
9 they shall cooperate fully with the Aurora Police Department
10 in providing all video pursuant to any police investigation
11 during the term of any liquor license granted.

12 (~~pe~~) All applicants for licenses requiring tabled seating shall
13 provide an appropriate mix of seating options within the
14 establishment, and shall provide a to-scale floor plan, that
15 includes entrances/exits,—as part of the application
16 illustrating the seating arrangements for approval. All
17 applicants for licenses which require a minimum square
18 footage shall provide a to-scale floor plan as part of the
19 application illustrating all appropriate square footage
20 requirements for approval.

21 (q) All applicants shall provide information with their
22 application detailing all previous and current liquor licenses,
23 either individually held or as part of a business enterprise

1 associated to the current application or independent from the
2 current application.

3 (Code 1969, § 6-5; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 093-
4 05, § 1, 1-5-93; Ord. No. 008-105, § 1, 11-4-08; Ord. No. 010-
5 030, § 1, 6-8-10; Ord. No. 011-004, § 1, 3-8-11; Ord. No. 015-
6 053, 8-25-15; Ord. No. 018-003, 1-23-18; Ord. No. 018-119, §
7 1(Exh. A), 12-19-18)

8

9 Sec. 6-7. - Term of license; renewals.

10 (a) Each license issued under this chapter shall be for a
11 period of one (1) year. Classes A and B shall commence on
12 September 1 and terminate on August 31; all other classes
13 shall commence on May 1 and terminate on April 30.

14 (b) Completed applications for renewal of a liquor license must
15 be filed with the local liquor control commissioner or
16 his/her designee not less than fourteen (14) days prior to
17 the date for which the license is to expire. Applications for
18 renewal submitted after the due date shall be assessed a late
19 fee.

20 (c) At the time of filing application for renewal of a liquor
21 license each applicant must produce evidence that he has
22 received a state liquor license along with the following
23 documentation:

- 1 (1) Copy of the current lease or proof of ownership, (i.e.
2 deed) if prior lease expired or new lease was entered into
3 or ownership of the property has changed in the past year.
4 ~~For purposes of this section, a licensee is still required~~
5 ~~to provide a copy of a multi-year lease even if said lease~~
6 ~~is same as one (1) provided with initial application.~~
- 7 (2) Copy of the current dram shop insurance (liquor
8 liability insurance) at the required statutory maximum
9 limits set forth in the Liquor Control Act, 235 ILCS 5/1-1
10 et seq., as amended from time to time, showing the City of
11 Aurora as the certificate holder.
- 12 (3) Current certificate of good standing from the Secretary
13 of State.
- 14 (4) Copy of the applicable county department of health
15 certificate.
- 16 (5) Copy of menu, if applicable.
- 17 (6) Copy of current State of Illinois liquor license.
- 18 (7) Copy of current state-certified beverage alcohol
19 sellers/servers training (BASSET) certificates for anyone
20 serving alcohol and all managers and assistant managers.
- 21 (8) Current list of names, dates of births and addresses of
22 officers ~~and members~~ (Class B license holders only).
- 23 (9) Full amount of the annual license fee required for
24 relevant classification.

1 (10) Background check of officers, members, owners, and
2 managers if more than three (3) years has elapsed since
3 last background check.

4 (11) Audit sheet regarding the distribution of revenue for
5 Class N and license holders with video gaming terminal
6 licenses.

7 (12) Update any security camera information and floor plan
8 information as required under the Business Registration
9 Ordinance in Chapter 25 of this code.

10 (d) Any license held but not used for the actual operation of
11 the licensed business at any time for a period of six (6)
12 months shall after the expiration of the six (6) months
13 become null and void; provided, that it may be extended by
14 the local liquor control commissioner to two (2) years if the
15 reason for the close of said business is due to a fire or
16 other natural disaster.

17 (e) If, during the license period, the licensee no longer owns
18 or has a valid lease on the premises for which a liquor
19 license has been issued said license shall become void.

20 (f) Except in cases of death or bankruptcy as set forth in
21 section 6-4, any sale, transfer, or assignment of fifty (50)
22 percent or more of the ownership of a business, whether said
23 sale, transfer or assignment occurs in a single transaction
24 or multiple transactions, shall terminate the license.

1 (g) No same day liquor licenses, except for temporary licenses
2 issued pursuant to section 6-10, shall be issued.

3 (Code 1969, § 6-7; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 087-
4 5622, § 1, 1-17-87; Ord. No. 089-66, § 1, 7-5-89; Ord. No. 090-
5 26, § 1, 3-6-90; Ord. No. 096-74, § 2, 6-25-96; Ord. No. 004-43,
6 § 1, 4-27-04; Ord. No. 015-053, 8-25-15; Ord. No. 018-027, 3-13-
7 18; Ord. No. 018-119, § 1(Exh. A), 12-19-18)

8 Sec. 6-10. - Special permits.

9 (a) Temporary permit.

10 (1) The local liquor control commissioner shall have
11 authority to issue a temporary permit for sale of
12 alcoholic liquor to be consumed on the premises at a
13 special event. ~~"Special event," as used in this chapter,~~
14 ~~means a preplanned, single gathering event or series of~~
15 ~~related consecutive daily gatherings or events of an~~
16 ~~entertainment, cultural, recreational, or sporting nature,~~
17 ~~or any other similar nature, held by an individual or~~
18 ~~entity, whether for profit or non-profit, where food and~~
19 ~~drinks are sold, served or dispensed to members of the~~
20 ~~public. A temporary liquor license is not required for a~~
21 ~~private party.~~

22 (2) Such temporary permit may be issued to a club, society,
23 fraternal or benevolent organization or association which

1 is organized not for pecuniary profit or to a for-profit
2 entity, organization or group, and shall only be valid for
3 a single theme and at the same location for not more than
4 fifteen (15) days from start to finish.

5 (3) All applicable state and local laws, ordinances, rules
6 and regulations shall apply, including, without
7 limitation, the requirements set forth in section 6-23
8 regarding completion of a state-certified beverage alcohol
9 sellers and service education and training program prior
10 to issuance of permit. Each written application for a
11 temporary permit under this section must include the
12 following documents:

13 a. Proof of a valid state liquor permit or license for
14 special event (Note: For-profits must apply for a
15 standard retailer's license from the state to hold a
16 special event);

17 b. Dram shop liability insurance to the required
18 statutory maximum limits set forth in the Liquor
19 Control Act, 235 ILCS 5/1-1, et seq. as amended from
20 time to time, covering the specific date(s) of the
21 special event; and

22 c. Proof of completion of a state-certified beverage
23 alcohol sellers and service education and training
24 program shall not be required for each person serving

1 or selling alcoholic beverages pursuant to a temporary
2 liquor permit provided any such person is at all times
3 supervised in the serving or selling of alcoholic
4 beverages by not less than two (2) persons present at
5 the alcohol sales or service area on the licensed
6 premises and provided such supervisor has successfully
7 completed said state-certified training.

8 d. Each application for a temporary liquor permit shall
9 identify each person who will be supervising the
10 serving or selling of alcoholic beverages at the
11 alcohol sales or service area on the licensed premises.
12 Notwithstanding the provisions of subsection (3) of
13 this section, each such designated supervisor shall
14 submit proof of his or her successful completion of a
15 state-certified beverage alcohol sellers and service
16 education and training program at the time of
17 application.

18 e. Each applicant for a temporary liquor permit
19 shall list the hours of the event and hours that alcoholic
20 beverages will be sold and or consumed.

21 f. As part of the application, the applicant must
22 list the type of entertainment and the approximate time of
23 the performance(s).

1 g. On-site security plan for temporary liquor permit.
2 See also, §415-161 for security requirements depending on
3 event size.

4 (4) Any other documents the local liquor commissioner may
5 request pursuant to state or local liquor control laws, rules
6 and regulations.

7 (5) No more than twelve (12) temporary permits may be
8 granted to any organization during a calendar year.

9 (6) Notwithstanding any of the above-mentioned provisions, a
10 temporary liquor permit may be issued for the sale and
11 consumption of beer at a regularly scheduled game or
12 tournament at a privately owned sports stadium. Such
13 permit shall be issued with the provision that the sale of
14 beer cease at 10:30 p.m. and that the sale and consumption
15 of beer not be allowed outside of the stadium area.

16 (7) Nothing contained in this section shall preclude the
17 issuance of a temporary permit to sell to the general
18 public alcoholic liquor, for consumption off the premises,
19 when participating in a city-sponsored event and with the
20 approval of the liquor control commissioner.

21 (8) Exemption for "public body". Public bodies shall be
22 exempted from section 6-10 (d), but all other requirements
23 of this article shall apply. For purposes of this article,
24 "public body" shall mean the state, any county, township,

1 special district, school or school district, municipality,
2 or any official, board, commission or department thereof,
3 or other political subdivision of the state, now or
4 hereafter created.

5 (b) BYOB permit.

6 (1) Authorizes the consumption of alcoholic liquor brought
7 onto the premises by a patron over the age of twenty-one
8 (21) for on-site consumption at a location that possesses
9 either a City of Aurora Class D-1, E, E-1, or F Liquor
10 License.

11 (2) BYOB shall be permitted in conjunction with the purchase
12 and consumption of a meal.

13 (3) BYOB shall be limited to no more than one (1) seven
14 hundred fifty (750) milliliter bottle of wine or thirty
15 six (36) ounces of beer per patron.

16 (4) BYOB shall be limited to the licensed premises.

17 (5) Permit holders may provide glassware and ice to patrons,
18 and may uncork, pour, serve or otherwise control the
19 consumption of the beer and wine.

20 (6) Permits will be available to license holders upon
21 submittal of a written application. The issuance of the
22 permit will be at the discretion of the local liquor

1 commissioner and will be renewed during the renewal of
2 annual liquor licenses.

3 (c) All applicable state and local laws, ordinances, rules and
4 regulations shall apply, including, without limitation, the
5 requirements set forth in section 6-23 regarding completion
6 of a state-certified beverage alcohol sellers and service
7 education and training program prior to issuance of permit.
8 Each written application for a temporary permit under this
9 section must include the following documents:

10 (1) Proof of a valid state liquor permit or license for
11 special event (Note: For-profits must apply for a standard
12 retailer's license from the state to hold a special
13 event);

14 (2) Dram shop liability insurance to the required statutory
15 maximum limits set forth in the Liquor Control Act, 235
16 ILCS 5/1-1, et seq. as amended from time to time, covering
17 the specific date(s) of the special event; and

18 (3) Proof of completion of a state-certified beverage
19 alcohol sellers and service education and training program
20 shall not be required for each person serving or selling
21 alcoholic beverages pursuant to a temporary liquor permit
22 provided any such person is at all times supervised in the
23 serving or selling of alcoholic beverages by not less than

1 two (2) persons present at the alcohol sales or service
2 area on the licensed premises and provided such supervisor
3 has successfully completed said state-certified training.

4 (4) Each application for a temporary liquor permit shall
5 identify each person who will be supervising the serving
6 or selling of alcoholic beverages at the alcohol sales or
7 service area on the licensed premises. Notwithstanding the
8 provisions of subsection (3) of this section, each such
9 designated supervisor shall submit proof of his or her
10 successful completion of a state-certified beverage
11 alcohol sellers and service education and training program
12 at the time of application.

13 (5) Any other documents the local liquor commissioner may
14 request pursuant to state or local liquor control laws,
15 rules and regulations.

16 (Code 1969, § 6-10; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
17 090-26, § 1, 3-6-90; Ord. No. 093-05, § 1, 1-5-93; Ord. No. 005-
18 18, § 2, 2-22-05; Ord. No. 010-030, § 1, 6-8-10; Ord. No. 011-
19 004, § 1, 3-8-11; Ord. No. 013-040, § 1, 7-23-13; Ord. No. 016-
20 070, § 1, 11-8-16; Ord. No. 018-003, 1-23-18; Ord. No. 018-011,
21 1-23-18; Ord. No. 018-119, (Exh. A), 12-19-18)

22