



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-059
DATE OF PASSAGE September 8, 2020

An Ordinance amending the Aurora Liquor Control Ordinance pertaining to nuisance activity and the process of applying for licensure in certain locations.

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, the City Council finds that it is appropriate and in the best interest of the City to amend Sec. 6-2 and Sec. 6-13 of the Aurora Liquor Control Ordinance to better define nuisance activity and to standardize the process for reducing the setback requirement for licensed premises in certain zoning districts; and

WHEREAS, for the purpose of consistency throughout the Code of Ordinances, City of Aurora, that the Aurora Liquor Control Ordinance hence be known as the "Liquor Control Ordinance."

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

Section One: That the Aurora Liquor Control Ordinance shall be and hereby is amended as set forth in said "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Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

ORDINANCE NO. 020-059
DATE OF PASSAGE September 8, 2020

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases, or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

20-0486

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE

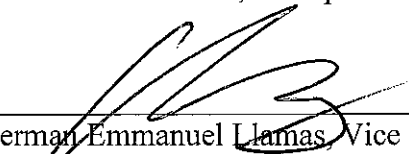
The Rules, Administration and Procedures Committee at the regular scheduled meeting on Tuesday, August 18, 2020 recommended APPROVAL of An Ordinance Amending Chapter 6 - ALCOHOLIC LIQUOR, Sec. 6-13 of the City of Aurora Code of Ordinances entitled "Allowed Areas".

VOTE: 5-0

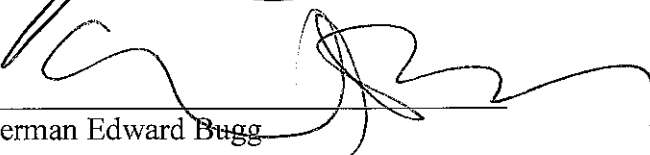
Submitted By:


Alderman Carl Franco, Chairperson


Alderman William Donnell


Alderman Emmanuel Llamas, Vice Chairperson


Alderman Patty Smith


Alderman Edward Bugg

Dated this 19th day of August, 2020

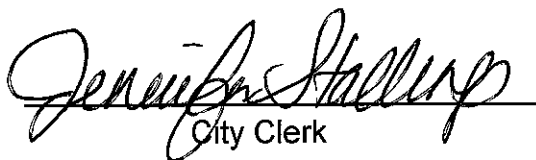
ORDINANCE NO. 020-059

PASSED AND APPROVED ON September 8, 2020

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	absent
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 Sec. 6-1. - Title.

2 This chapter shall be known, cited and referred to as "the
3 liquor control ordinance." Any citation or reference to "The
4 Aurora Liquor Control Ordinance." shall be understood and
5 construed as a citation and reference to this chapter.

6 (Code 1969, § 6-1; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 018-
7 027, 3-13-18; Ord. No. 018-119, § 1 (Exh. A), 12-19-18)

8 Sec. 6-2. - Definitions.

9 All words and phrases used in this chapter, not otherwise
10 defined herein, and which are defined in The Liquor Control Act
11 of 1934 (235 ILCS 5/1-1 et seq.) as now or hereafter amended,
12 shall have the meaning accorded to such words and phrases in
13 such act. Unless the context otherwise requires, the following
14 terms as used in this chapter shall be construed according to
15 the definitions given below:

16 ***

17 Nuisance activity means any of the following activities,
18 behaviors, or conduct as defined by federal or, state law or
19 ~~municipal statute and/or~~ local ordinance where a citation is
20 given, an arrest made or a violation has been documented:

21 (1) Any activity specifically defined as a nuisance or
22 public nuisance by federal or state law or by local
23 ordinance; ~~Mob action.~~

1 (2) Any activity defined as a felony or misdemeanor
2 criminal offense under any Act codified in Chapter 720 of
3 the Illinois Compiled Statutes and any similar provision of
4 local ordinance; Unlawful assembly.

5 (3) Any activity that constitutes a violation of any
6 provision of chapter 29 of this code; Assault.

7 (4) Any activity that constitutes a violation of any
8 provision of the Liquor Control Act of 1934 pertaining to
9 the purchase, sale, or service of alcoholic liquor;
10 Battery.

11 (5) Any activity that constitutes a violation of any
12 federal or state law, or local ordinance, concerning the
13 humane treatment of animals; Unlawful use or possession of
14 weapons or firearms.

15 (6) Any activity that constitutes a violation of any local
16 ordinance pertaining to the safety, use, or maintenance of
17 real property; Unlawful discharge of a firearm.

18 (7) Any activity that constitutes a violation of any rule
19 duly adopted by the Illinois Department of Public Health
20 pursuant to the Department of Public Health Act or by a
21 local health department with jurisdiction over the
22 premises; Prostitution.

23 ~~(8) Soliciting or patronizing a prostitute.~~

24 ~~(9) Keeping a house of prostitution.~~

- 1 ~~(10) Pandering.~~
- 2 ~~(11) Obscenity.~~
- 3 ~~(12) Sexual assault and sexual abuse.~~
- 4 ~~(13) Public indecency.~~
- 5 ~~(14) Disorderly conduct.~~
- 6 ~~(15) Unlawful production, sale, distribution, possession,~~
- 7 ~~or use of cannabis.~~
- 8 ~~(16) Illegal gambling.~~
- 9 ~~(17) Keeping or maintaining a place of illegal gambling.~~
- 10 ~~(18) Unlawful possession of gambling devices.~~
- 11 ~~(19) Arson.~~
- 12 ~~(20) Criminal damage to property.~~
- 13 ~~(21) Illegal consumption, sale, or possession of alcohol.~~
- 14 ~~(22) Theft.~~
- 15 ~~(23) Interference with public/peace officer.~~
- 16 ~~(24) Harassment.~~
- 17 ~~(25) Indecent exposure.~~
- 18 ~~(26) Building and Zoning violations.~~
- 19 ~~(27) Loitering.~~
- 20 ~~(28) Unlawful possession, sale, distribution, or use of~~
- 21 ~~fireworks.~~
- 22 ~~(29) Aiding and abetting.~~
- 23 ~~(30) Conspiracy.~~
- 24 ~~(31) Drug paraphernalia.~~

1 ~~(32) Violations of any animal regulations.~~

2 ~~(33) Any violation of 720 ILCS.~~

3 ~~(34) Any violation of chapter 29 of the Aurora Code of~~
4 ~~Ordinances.~~

5 ***

6
7 (Code 1969, § 6-2; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 087-
8 5622, § 1, 1-17-87; Ord. No. 089-66, § 1, 7-5-89; Ord. No. 093-
9 45, § 1, 6-1-93; Ord. No. 093-62, § 1, 8-3-93; Ord. No. 094-91,
10 § 1, 9-6-94; Ord. No. 096-74, § 1, 6-25-96; Ord. No. 098-100, §
11 1, 11-10-98; Ord. No. 002-158, § 1, 12-10-02; Ord. No. 008-24, §
12 1, 3-25-08; Ord. No. 008-105, § 1, 11-4-08; Ord. No. 010-030, §
13 1, 6-8-10; Ord. No. 011-004, § 1, 3-8-11; Ord. No. 015-053, 8-
14 25-15; Ord. No. 018-003, 1-23-18; Ord. No. 018-011, 1-23-18;
15 Ord. No. 018-027, 3-13-18; Ord. No. 018-119, § 1(Exh. A), 12-19-
16 18; Ord. No. 020-023, § 1(Exh. A), 4-14-20)

17 Sec. 6-13. - Allowed areas.

18 (a) A liquor license shall be issued only to establishments
19 located in those portions of the city hereinafter classified
20 as predominantly business in character, unless otherwise
21 provided.

22 (b) For ~~It is determined for~~ the purposes of this chapter ~~that~~
23 the following described portions of the city are
24 predominantly business in character:

- 1 (1) Downtown, as defined herein.
- 2 (2) Shopping centers, as defined herein.
- 3 (3) Contiguous areas of at least fifteen (15) acres which
- 4 are zoned ~~under the terms of Ordinance No. 3100 amended,~~
- 5 ~~known as "Aurora Zoning Ordinance" and the map attached~~
- 6 ~~thereto~~ as B-2 Business District-General Retail, B-3
- 7 Business and Wholesale District, BB Business-Boulevard
- 8 District, ORI Office, Research and Light Industry District
- 9 or M-1 Manufacturing District, Limited or combinations of
- 10 said districts under the chapter 49 of this code and the
- 11 zoning map attached thereto. In addition, any land zoned
- 12 PDD-Planned Development District shall be included to the
- 13 extent that such land has been designated for uses similar
- 14 to the above zonings. Any area zoned R-1, R-2, R-3, R-4,
- 15 R-5, B-1, M-2, downtown core, downtown fringe is
- 16 specifically excluded from said business districts.
- 17 (c) (1) Nothing contained in this section shall preclude the
- 18 issuance of a liquor license to ~~Class B-Fraternal Society~~
- 19 or Club, ~~Class E-Restaurant~~ or ~~Class F-Beer and Wine~~
- 20 Restaurant establishments in portions of the city ~~City of~~
- 21 ~~Aurora~~ classified as predominantly business in character.
- 22 (2) No new liquor ~~Class A, Class B, Class E or Class F~~
- 23 licenses may be issued after January 1, 2003 to any
- 24 establishment that is within five hundred (500) feet of a

1 residential property without the applicant obtaining the
2 approval of the liquor commissioner through a special use
3 permit allowing the issuance of said license the hearing
4 process established in section 6-13(d)(2-4), provided the
5 property has adequate off-street parking, and complies
6 with all other requirements of the Code. However, if the
7 license is located in the downtown or a shopping center,
8 as defined above, then a Class E or F liquor license may
9 be issued without the need for a special use permit so
10 long as the license complies with all other requirements
11 of the Code. Current Class A, Class B, Class C and DE and
12 Class F establishments in portions of the city located
13 within five hundred (500) feet of a residential property
14 shall not be required to obtain a special use
15 permit approval from the liquor commissioner in order to
16 renew their existing liquor license.

17 (d) No license shall be issued for the sale at retail of any
18 alcoholic liquor within one hundred (100) feet of a church,
19 grade school, middle school, alternative school or high
20 school, hospital, or home for indigent persons. However, if
21 the license is located in the downtown or a shopping center,
22 as defined above, then a Class D, E, F, J, K, I or M license
23 may be issued if the license is not located within one
24 hundred (100) feet of a grade school, middle school,

1 alternative school or high school. In the case of a church,
2 the distance of one hundred (100) feet shall be measured to
3 the nearest part of any building used for worship services or
4 educational programs and not to property boundaries.

5 (1) The liquor commissioner may grant a reduction of the
6 distance requirement in this subsection (d), based on a
7 finding from an administrative hearing officer that such a
8 reduction would not detrimentally affect the church, grade
9 school, middle school, alternative school or high school,
10 hospital or home for indigent persons within one hundred
11 (100) feet of the premise proposed to be licensed. If a
12 reduction is granted, applicants must still comply with
13 all other application requirements associated with the
14 issuance of a liquor license.

15 (2) The hearing officer shall consider the following factors
16 in reviewing a reduction in the distance requirement:

17 (i) The type of activity to be conducted at the premises
18 proposed to be licensed and the days and times during
19 which such activity will take place;

20 (ii) The size of the applicant's business and the
21 affected establishment;

22 (iii) The availability of adequate parking for patrons of
23 both the applicant's business and the affected
24 establishment;

1 (iv) Whether the applicant is seeking a license to permit
2 consumption of liquor at its premises or for the sale
3 of package goods;

4 (v) Reports from the police regarding the location, as
5 well as the history of activity conducted at or in
6 conjunction with the premises and any associated
7 infractions or violations of state law or local
8 ordinances;

9 (vi) The relevant geography and location of the
10 applicant's business;

11 (vii) The legal nature and history of the applicant; and

12 (viii) The measures the applicant proposes to implement
13 to maintain quiet and security in conjunction with the
14 establishment.

15 (3) An applicant seeking a distance requirement reduction
16 shall make a written submission to the city clerk for
17 review by an administrative hearing officer. Upon
18 receiving a completed application the city clerk shall
19 notify the alderman's office. The application shall
20 present all factors the applicant believes to be relevant
21 to whether a reduction is appropriate. Aldermen and/or
22 representatives of the city will also have an opportunity
23 to submit information they believe to be relevant to the
24 hearing officer's recommendation. The request for

1 reduction shall be accompanied by an additional fee of up
2 to one thousand dollars (\$1,000.00) to defer the costs of
3 the administrative hearing officer. The hearing officer
4 shall review the information provided and shall
5 incorporate it in to the hearing officer's decision for
6 the liquor commissioner's review and approval.

7 (4) If the liquor commissioner grants a liquor license with
8 a distance reduction, the factors that were deemed
9 relevant to the hearing officer's finding may be included
10 in a plan of conduct. Any such plan of conduct shall be
11 deemed a part of the license, and compliance with the plan
12 of conduct shall be a necessary condition to the continued
13 validity of the license. Failure to comply with one (1) or
14 more elements of the plan of conduct shall subject the
15 licensee to suspension or revocation of the liquor
16 license.

17 (e) No ~~Class A~~Tavern license, as defined in section 6-2,
18 shall be issued for any location that is within five hundred
19 (500) feet of any location for which any existing license is
20 held except in the "downtown" or "shopping centers."

21 (f) Nothing contained in this section shall preclude the
22 issuance of a Class ~~AG~~Package Beer and Wine License to
23 establishments with more than ten thousand (10,000) square
24 feet devoted exclusively to retail sales and whose primary

1 purpose is other than the sale of alcoholic liquors;
2 provided, that said establishment has met the appropriate
3 zoning regulations, has adequate off-street parking and has
4 complied with the other requirements of this Code.

5 (g) Outdoor seating areas serving alcohol shall be permitted
6 only on the premises of those licensees holding a Class A, B,
7 D, E, F, H, P, or S license. Nothing contained in this
8 section shall preclude the approval and issuance of an
9 outdoor seating area for a licensee located within the
10 "downtown" area, defined as the downtown core and downtown
11 fringe areas as defined from time to time, or "shopping
12 centers" as defined in this article, provided that said
13 establishment has met the other requirements as set forth in
14 this section and has provided a business plan that includes,
15 but is not limited to, a detailed plan to contain noise and
16 music within its premises, as well as security and parking
17 issues.

18 (1) Each licensee that desires to operate an outdoor seating
19 area, must submit a permit request to the local liquor
20 control commissioner. The local liquor control
21 commissioner shall have final approval over any and all
22 requests for an outdoor seating area. The application for
23 outdoor seating area shall include:

1 a. A hard copy of a dimensioned plan drawn to scale
2 including property lines showing the sidewalk or other
3 outdoor space and all existing public improvements and
4 encroachments such as light posts, benches, planters,
5 fencing, trash receptacles, fences, trees and tree
6 grates in the area, bicycle racks and newspaper boxes.
7 The diagram shall also include the location of the curb
8 relative to the building and proposed location of all
9 furniture and equipment to be placed on the sidewalk or
10 area. There shall be a single entry into the outdoor
11 seating area from within the licensed premise and that
12 entryway must be from within the licensed premise
13 except for establishments located downtown. For
14 businesses in the downtown a security plan must be
15 submitted detailing the means to be taken to provide
16 for adequate control of the area.

17 b. Proof that the applicant has written approval from the
18 owner of the property for the outdoor seating area to
19 be used by the applicant if the applicant or the city
20 ~~City of Aurora~~ is not the owner of the property.

21 c. The applicant for an outdoor seating area shall
22 provide the city with copies of the certificates of
23 insurance for the required policies for each type of

1 insurance naming the city ~~City~~ as an additional, non-
2 contributory insured party:

3 1. Worker's compensation insurance in at least the
4 required statutory limits;

5 2. Comprehensive general liability insurance,
6 including owner's protective liability insurance and
7 contractual liability insurance covering claims for
8 personal injury and property damage with limits of
9 at least two million (\$2,000,000.00) dollars per
10 occurrence, and two million (\$2,000,000.00) dollars
11 for any single injury; and

12 3. The required insurance policies shall each provide
13 that they shall not be changed or cancelled during
14 the life of the licensee period or until thirty (30)
15 days after written notice of such change has been
16 delivered to the city.

17 (2) The outdoor area upon which alcoholic beverages will be
18 served must be clearly designated and segregated by use of
19 a temporary or permanent fence or barrier approved by the
20 city that is no less than twenty four (24) inches in
21 height and no more than seventy-two (72) inches in height
22 and provided with required, unobstructed exits as
23 prescribed herein and by this code ~~the City of Aurora Code~~
24 as adopted from time to time.

1 a. Barrier designs. A variety of styles and designs are
2 permissible for outdoor seating areas.

3 1. Sectional fencing. Sectional fencing (generally
4 defined as rigid fence segments that can be placed
5 together to create a unified fencing appearance) is
6 a desirable solution for outdoor seating areas using
7 barriers. Such fencing is portable, but cannot be
8 easily shifted by patrons or pedestrians, as can
9 less rigid forms of enclosures. Sectional fencing
10 must be of metal (aluminum, steel, iron or similar)
11 or of wood or composite construction. In the
12 downtown area fences shall be fabricated of
13 decorative metal. Chain link, plastic, vinyl, or
14 wood fences are prohibited.

15 2. Posts. Vertical support posts (stanchions,
16 bollards, etc.) must be constructed of wood, metal
17 (aluminum, steel, iron or similar), or composite
18 materials. In the downtown area posts shall be
19 fabricated of decorative metal.

20 3. Stanchion base must not be a tripping hazard. If a
21 stanchion or other vertical supporting device is
22 attached to a base, that base must be adequate to
23 support the stanchion as approved by the city. No
24 domed stanchion bases are permitted.

1 b. Freestanding or attached. Any barrier may be
2 freestanding without any permanent or temporary
3 attachments to buildings, sidewalks or other
4 infrastructure or may be attached to a building.

5 c. Planters. Planters may be used in addition to or in
6 place of other barrier designs. Planters and the plants
7 contained within them must meet the following
8 requirements:

9 1. Maximum height of planters. Planters may not exceed
10 a height of thirty-six (36) inches above the ground.
11 (this pertains to the planter only, not the plants
12 contained therein).

13 2. Maximum height of plants. Plants (or seasonal
14 displays of natural landscape material) may not
15 exceed a height of seventy-two (72) inches above the
16 level of the ground.

17 3. Planter material. All planters must have plants
18 (live, artificial, or seasonal) contained within
19 them. If the live plants within the planter die, the
20 plants must be replaced or the planter removed.
21 Empty planters with only dirt, mulch, straw,
22 woodchips or similar material are not permitted.

1 d. Natural barriers. Barriers may be natural in design
2 such as a hedge, shrub or other plant material approved
3 by the city.

4 e. Prohibited barrier styles.

5 1. Fabric inserts. Fabric inserts (whether natural or
6 synthetic fabric) of any size are not permitted to
7 be used as part of a barrier.

8 2. Chain-link and other fencing. The use of chain-
9 link, cyclone fencing, chicken wire or similar
10 appurtenances is prohibited for the outdoor seating
11 license. Materials not specifically manufactured for
12 fencing or pedestrian control (including but not
13 limited to such items as buckets, food containers,
14 tires, tree stumps, vehicle parts, pallets, etc.)
15 are not permitted and may not be used as components
16 of a barrier.

17 f. A separate emergency exit out of the outdoor cafe area
18 may be required before the request is approved.

19 (3) The proposed use shall not unreasonably interfere with
20 pedestrian or vehicular traffic or with access to parked
21 vehicles, and in no event shall the uses permitted by an
22 outdoor seating area reduce the open portion of any
23 sidewalk or walkway to less than five (5) feet in width
24 for more than two hundred (200) feet in length.

- 1 a. In order to allow adequate pedestrian traffic areas,
2 federal and state accessibility requirements and
3 emergency access around outdoor dining areas, the
4 following dimensional requirements must be observed:
- 5 1. A space at least thirty-six (36) inches wide for
6 unobstructed ingress/egress must be maintained
7 between any restaurant doorway and the pedestrian
8 traffic corridor.
- 9 2. Location: Access openings should be placed in a
10 location that will not create confusion for visually
11 impaired pedestrians and as approved by the fire
12 department.
- 13 b. Design and placement of tables and chairs, as well as
14 other equipment shall comply with applicable
15 requirements of the Americans with Disabilities Act and
16 the Illinois Accessibility Act.
- 17 c. All applicable county health department sanitation
18 requirements shall be followed for outdoor food
19 handling. The permittee shall be responsible for
20 posting the outdoor seating area as to any special
21 health department requirements.
- 22 d. All public areas encompassed by the outdoor seating
23 area shall be maintained in a sanitary manner at all
24 times. Food scraps and containers shall be disposed of

1 in appropriate refuse containers on a regular basis
2 during the day by the permittee. Sweeping of refuse or
3 food scraps into tree grates is not permitted.

4 e. Licensees are responsible for emptying the public
5 trash containers placed by the city if they should
6 become full prior to the next regular pickup time.

7 f. Licensees shall see that the public areas encompassed
8 by their outdoor seating area are clean at the end of
9 each business day, so as not to have any food or drink
10 leftovers remaining which would pose an attraction to
11 animals or insects. Each permit holder shall wash, as
12 needed, the public area to remove any food or drink
13 residue that may attract animals and/or create a
14 pedestrian slip hazard.

15 g. No tables, umbrellas, enclosure fencing, or other
16 equipment shall be attached or affixed to the sidewalk,
17 parkway, poles or any other public facilities.

18 h. Partitions, chairs, tables, lighting, serving stations
19 and other amenities included in the outdoor seating
20 area shall be approved by the city. The outdoor seating
21 area shall be maintained in compliance with the
22 approved site plan.

23 i. An inspection of the outdoor seating area shall be
24 made by the city prior to approval of the outdoor

1 seating area. Inspections may include, but are not
2 limited to, inspections by the building department,
3 police department and fire department prior to issuance
4 of the permit.

5 j. The arrangement and number of tables and chairs within
6 the authorized boundaries of the outdoor seating area
7 shall reflect the approved plan and shall not be
8 substantially changed, altered, added to or reduced
9 without the approval by the city during the annual
10 permit period.

11 k. The licensee has an affirmative duty to prohibit any
12 alcoholic liquor from leaving the permitted service
13 area, except in a package properly sealed, bagged and
14 receipted pursuant to section 6-25(e) of this code~~the~~
15 ~~City of Aurora Code of Ordinances~~.

16 l. The licensee shall indemnify, defend, protect, and
17 hold harmless the city, its corporate authorities,
18 officers, employees, agents and volunteers from and
19 against any and all claims, demands, losses, damages,
20 liabilities, fines, charges, penalties, administrative
21 and judicial proceedings and orders, judgments,
22 remedial actions of any kind, all costs and cleanup
23 actions of any kind, and all costs and expenses
24 incurred in connection therewith, including but not

1 limited to reasonable attorney's fees, expert witness
2 fees and costs of defense (collectively, the "Losses")
3 directly or proximately resulting from licensee's acts
4 or omissions, except to the extent that the city is the
5 sole legal cause of said losses. The foregoing
6 notwithstanding, under no circumstances shall the
7 issuance of any license provided for under the Aurora
8 Municipal Code, including but not limited to a liquor
9 license, to the licensee or any other person or entity
10 constitute an act of negligence or willful misconduct.
11 Nothing set forth in the said license shall be deemed a
12 waiver by the city of any defenses or immunities
13 relating to the licensee or its property, or to any
14 person or entity or their property, that are or would
15 be otherwise available to the city or its corporate
16 authorities, officers, employees, agents and volunteers
17 under the common law of the State of Illinois or the
18 United States of America. The provisions of this
19 section shall survive the expiration or earlier
20 termination of each approved outdoor seating area, or
21 the renewal thereof.

- 22 (4) For new outdoor seating areas approved after March 28,
23 2017, the permit shall be valid for the same term as the
24 liquor license. The holder of a permit shall re-apply on

1 an annual basis in conjunction with the renewal of the
2 annual liquor license. There is an initial application
3 fee. Renewals will comprise of submission of the outdoor
4 seating plan.

5 (5) In the event that the local liquor control commissioner
6 refuses to grant permission for an outdoor seating area,
7 he shall place on file in his office the rejected
8 application and a document setting forth the reasons for
9 his refusal to grant the permit. Copies of the rejected
10 application and the document setting forth the reasons for
11 refusal shall also be served by certified mail upon the
12 licensee at the address stated on the license application.

13 (6) The rejected applicant may, within ten (10) days from
14 the receipt of said notice of rejection, request a hearing
15 before the local liquor control commissioner, at which
16 time all interested parties shall be heard.

17 (7) The licensee must comply with all other provisions of
18 this Code.

19 (Code 1969, § 6-13; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
20 087-5622, § 1, 1-17-87; Ord. No. 088-85, § 1, 8-2-88; Ord. No.
21 089-66, § 1, 7-5-89; Ord. No. 092-120, § 1, 12-15-92; Ord. No.
22 094-91, § 1, 9-6-94; Ord. No. 002-158, § 5, 12-10-02; Ord. No.
23 004-43, § 3, 4-27-04; Ord. No. 005-18, § 3, 2-22-05; Ord. No.

- 1 008-24, § 2, 3-25-08; Ord. No. 010-030, § 1, 6-8-10; Ord. No.
- 2 017-014, § 3-28-17; Ord. No. 018-119, § 1(Exh. A), 12-19-18;
- 3 Ord. No. 019-060, (Exh. A), 9-10-19)