

CHAPTER 6 ALCOHOLIC LIQUOR

ARTICLE 6-I IN GENERAL

ARTICLE 6-II LOCAL LIQUOR CONTROL HEARING OFFICER

State Law reference— Powers of home rule units, Ill. Const. art. VII, § 6; The Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

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Sec 6-1 Title

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

(Code 1969, § 6-1; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O18-027, 3-13-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

HISTORY

Amended by Ord. [O20-059](#) on 9/8/2020

Sec 6-2 Definitions

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

Adjacent premises means any land or parking area under the control of the licensee which is used incidentally to said licensed business.

Adult magazine, book, poster, or electronic media means items containing pictures, video, or audio of any or all of the following:

- (a) The acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- (b) Breasts, buttocks, anus, pubic hair, vulva, or genitals.

Alcohol related public nuisance activity means a public nuisance activity that occurs on or within five hundred (500) feet of an alcoholic liquor establishment where a law enforcement officer determines that the alcoholic liquor establishment provided alcoholic liquor to a person involved in a public nuisance activity within the preceding three (3) hours.

Alcoholic liquor means any spirits, wine, beer, ale or other liquor containing more than one-half of one (0.5) percent of alcohol by volume, which is fit for beverage purposes.

Arts facility license/Arts and entertainment means a location where art, cultural events or entertainment studio at which public and private events are held with the primary purpose of holding arts, crafts, or art and culture events, performances and classes. Video gaming on the premises is not permitted.

Auditorium/theatrical means a location defined as a "theatrical-arts facility" that hosts scheduled performances, workshops or other events. Video gaming is not allowed on the premises.

Banquet hall means a commercial location with a commercial kitchen where banquet meals are served, either exclusively or in conjunction with a restaurant business; including service of food for consumption consisting of a full multiple course meal, hors d'oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served as incidental to such food service. Live musical entertainment or DJ may be provided incidental to the banquet. Video gaming on the premises is not permitted.

Barber shop as defined in the State of Illinois Compiled Statutes at 225 ILCS 410; as amended from time to time. May not include any signs advertising itself as a "bar" or promoting the service or sale of alcoholic liquor. Video gaming on the premises is not permitted.

Bar area means a separated area of a restaurant that consists of the physical bar used for service and/or consumption of alcoholic beverages, the chairs abutting the bar.

Basset Trained means the State of Illinois responsible beverage seller/server program, Beverage Alcohol Sellers and Servers Education and Training (BASSET). Anyone involved in the service or sale of alcohol must complete the training as a condition of their employment and re-take the training every three (3) years per state law.

Beer means any alcoholic beverage obtained through the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes among other things, beer, ale,

stout, lager beer, porter and the like.

Bottleshop an establishment that sells primarily specialty beer and wine for consumption on-site. Food service is required, specific requirements (on-site or limited) will be dependent on the location. Bottleshops are eligible for a Package Sales Endorsement. Video gaming on the premises is not permitted.

Brewery/brewpub authorizes an establishment to: a) manufacture/produce beer only on the specified licensed premises, b) furnish samples of the manufactured/produced beer for consumption on the premises, c) sell the manufactured/produced beer by the glass for consumption on the premises, d) sell the manufactured/produced beer in the original corked, capped or sealed and labeled container for consumption on or off the premises. Video gaming on the premises is not permitted unless the establishment also meets all of the requirements of a Full Service Restaurant and all requirements specified in Article IV, Division 5 entitled "Video Gaming" and is outside of any designated Entertainment District.

BYOB or bring your own bottle shall mean the practice of allowing patrons of a licensed establishment inviting public patronage to bring and consume beer and wine on the licensed premises. A corkage fee may be assessed to the participating patrons. Consumption of corkage beer and wine shall be limited to those patrons dining in the restaurant and seated at a table. All applicable state and local laws, ordinances, rules and regulations shall apply, including, without limitation, the requirements set forth in section 6-23 regarding completion of a state-certified beverage alcohol sellers and service education and training program prior to issuance of permit.

Casino facility as defined by the State of Illinois Gaming Act, as amended from time to time.

Cater or *catering* is a person, corporation, partnership, Limited Liability Company (LLC) or other business entity which services alcoholic liquor for consumption as an incidental part of food and beverage service that serves meals off site of a licensed premises or a restaurant.

Caterer means catering companies located within the city limits to cater food and alcoholic beverages off site and within the City of Aurora. "Off Site" catering means the preparation of food at one (1) location for service at another.

Caterer's registration permits caterers or restaurants that are located outside the City of Aurora to cater events with food and alcoholic beverages within the city limits. Outside Caterer means a person who performs off site catering by preparing food at a location outside the City of Aurora for service at a location within the city limits. Registration includes all requirements Chapter 44, Article VII of the City of Aurora Code of Ordinances entitled "Taxation".

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club in section 1-3.24 of the Illinois Compiled Statutes (235 ILCS 5/1-3.24).

Coffee shop means a place of business that opens to the public for business no later than 7:00 a.m. and remains open to the public for business continuously for not less than ten (10) hours; and is engaged in the primary business of the sale of coffee or tea-based beverages as well as food items including but not limited to baked goods, sandwiches and salads for consumption on and off of the premises are served. Video gaming on the premises is not permitted.

Commercial area means a retail building or buildings with at least fifteen thousand (15,000) square feet of commercial retail space.

Commercial kitchen a facility required for restaurants looking to offer video gaming. Routinely prepares and handles hot and cold food, prepares menu items that require holding and complex preparation either from scratch or a combination of scratch or canned, frozen, or fresh-prepared. Houses commercial grade equipment as defined by the local health department.

Complementary service authorizes a business engaged in providing non-food goods or services to the public to allow the consumption of beer and wine by its patrons that: (1) is brought to the premises of the business by the patron (BYOB) and/or (2) is served by the business; as a complement to the patron's purchase of goods or services offered by the business (complementary service). The licensee may provide patrons of the business with individual servings of wine or beer in glasses at no charge, or may provide glasses and ice for patrons who bring their own beer or wine to the premises. No wine or beer may be served to or consumed by persons on the business premises except as a complement to the patron's contemporaneous purchase or consumption of goods and services made available to the public by the licensee. The complementary service or consumption of beer or wine at the licensed premises is limited to not more than three (3) servings of alcoholic beverages by a patron during any single calendar day, regardless of whether the beverage is provided by the licensee or brought to the licensed premises by the patron. No alcoholic beverages other than beer or wine are permitted. It shall be unlawful for the licensee, its agents, and employees to permit any patron to leave the licensed premises with an open container of wine or beer regardless of whether the container is provided by the licensee or brought to the licensed premises by the patron. Video gaming on premises is not permitted.

Convenience store means a retail store that carries a limited selection of basic items, such as packaged foods and drugstore items, and is open long hours for the convenience of shoppers. Requires at least two thousand two hundred (2,200) square feet of space dedicated to retail sale and storage of products for retail sale. The space dedicated to retail sales and storage of products for retail cannot include space used in part or in whole as an office, restroom (either private or public), utility room/closet, or seating for an onsite restaurant. Convenience goods means food, beverages, medications, household products, cosmetic items and reading materials. The establishment must on a regular basis sell at least five (5) of the seven (7) following categories of non-expired convenience goods: dairy, baked goods, frozen goods, groceries, snack foods, prepared foods, health and beauty aids. Dairy includes refrigerated milk, yogurt, ice cream, cheese and butter products. Baked goods includes breads, cakes, pastries, and cookies both pre-packaged and fresh. Frozen goods require storage in freezers. Groceries includes fresh, boxed, canned, and bagged foods. Snack foods may include candy, gum, chips, or single size servings of food items. Prepared foods includes foods prepared by the manufacturer or vendor to be served or used with minimal further preparation such as sandwiches, salads, or soup. Health and beauty aids includes items such as medications, bandages, cosmetics, grooming, and skin care products. A maximum of ten (10) percent of available retail space shall be utilized by licensee for the sale of alcoholic liquor as provided herein. Retail space for purposes of this license is defined as the interior floor space within the licensee establishment that is exclusively utilized for the retail sale of products, not services or storage of retail products. This definition does not include discount or dollar stores. The retail space to be used for alcoholic liquor sale must be contiguous. Video gaming on the premises is not permitted.

Corkage fee means an optional fee that may be assessed to the participating patrons at the discretion of the business. Unfinished bottles of wine may be taken to-go if re-corked and placed in a bag/container and sealed in such a manner that if the seal is broken it may not be re-sealed and the break will be obvious to the casual observer.

Craft brewery means an establishment where beer is brewed or manufactured and stored on the licensed premises in quantities not exceeding those prescribed by the Illinois Liquor Control Act of 1934, as amended from time to time, for a Craft Brewer's License. The establishment may include a tasting room where beer brewed or manufactured onsite is available for sampling and purchase. A full service kitchen is not required. Video gaming on the premises is not permitted.

Craft distillery means the on-site production and storage of alcoholic liquor beverages, including specifically spirits and wine, in quantities not to exceed the number of gallons authorized for production

each year by a craft distillery and limited wine manufacturer in the Liquor Control Act of 1934, for sale by the bottle for off-premises consumption or by the glass for consumption in an accessory tasting room or retail outlet. A tasting room or retail outlet may allow patrons to taste samples of products manufactured on-site, and to purchase products by the glass or bottle for either on-site or off-premises consumption, and to purchase related sales items. Up to three (3) samples, consisting of no more than: (i) one-quarter-ounce of distilled spirits, or (ii) one (1) ounce of wine, may be served to a consumer in one (1) day. A full service kitchen is not required. Video gaming on the premises is not permitted.

Craft products means beer, wine or other spirits permitted under the Illinois Liquor Control Act, as amended from time to time.

Craft winery means the licensee is authorized for on-site production and storage of wine manufactured on the premises for either on premise or off-premise consumption. Allows for on-site consumption of samples. Requires a valid first class winemaker's license from the State of Illinois. A full service kitchen is not required. Video gaming on the premises is not permitted.

Delivery endorsement allows for the delivery of beer and wine only from a licensed business in original containers to a specific address within city limits. There shall be no display or advertising of alcoholic beverages on any residential premises. Alcoholic liquor delivered to any premises located in the city which does not hold a valid liquor license or grocery store pick-up is subject to the following restrictions: Alcoholic liquor must be delivered by an individual of at least twenty-one (21) years of age or older; Deliveries must not be between the hours of 11:00 p.m. and 9:00 a.m. on weekdays and 11:00 p.m. and 11:00 a.m. on Sundays; Payments may not be accepted nor orders placed at the delivery location; The express carrier, common carrier or contract carrier or agent of a liquor license holder that carries or transports alcoholic liquor into or within the city shall not deliver or leave such deliveries without requiring signature of an individual twenty-one (21) years of age or older; Adequate evidence of proof of age should be produced to the delivery agent in all instances of delivery; A record shall be kept by the express company, common carrier or contract carrier or agent of a liquor license holder who delivers alcoholic liquor into or within the city indicating the purchaser's name, address, driver's license/state identification number, time, date and place of delivery and the individual's deliverer's identity.

Distillery means the licensee is authorized to manufacture, store and distribute alcoholic liquors (except beer and wine) on and from the licensed premise. On-site sampling for patrons twenty-one (21) and above is permitted. Video gaming on the premises is not permitted.

Downtown means the downtown core and the downtown fringe, as defined herein.

Downtown core boundary is the area that is zoned DC Downtown Core in the Aurora Zoning Ordinance.

Downtown core entertainment district is an area whose boundary is the area that is zoned DC Downtown Core in the Aurora Zoning Ordinance. The specific rules and regulations for this district are defined in section 6-8. "Fast food" or convenience establishments/stores in this area are not eligible to serve or sell alcohol. Video gaming is not permitted in this district.

Downtown fringe boundary is the area that is zoned DF Downtown Fringe in the Aurora Zoning Ordinance.

Downtown fringe entertainment district is an area whose boundary is the area that is zoned DF Downtown Fringe in the Aurora Zoning Ordinance. The specific rules and regulations for this district are defined in section 6-8. "Fast food" or convenience establishments/stores in this area are not eligible to serve or sell alcohol. Video gaming is not permitted in this district.

Drive through endorsement authorizes the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand (2,000) square feet and

only standalone liquor stores and grocery stores as defined herein are eligible for this endorsement. The sales transaction must include adequate evidence of proof of age, which shall be recorded with the transaction. Prohibits the sale of single-serving cans and bottles. Any licensee applying for the drive through endorsement must go through the city council approval process.

Endorsement a provision added to a liquor license altering its scope or application. Any endorsement shall be subject to such conditions as the commissioner shall deem appropriate.

Entertainment area means a separated area in which performances including, but not limited to any live acts, dance floors, recorded vocal, instrumental or spoken word soloists or groups, disc jockeys, either floor-level or raised stages, pool tables and/or other amusement devices.

Entertainment district means a geographically designated area as defined herein with its own designated set of rules pertaining to the sale and service of alcohol.

Facade means the exterior wall of a building, from the ground to the roof line. For the purposes of this chapter, a roof varying no more than forty-five (45) degrees from the vertical plane shall be considered part of the facade.

Farmer's market a farmers' marketplace where growers and producers may sell, directly to the public, products and items necessary for the sustenance and convenience of the residents of the city. Retailers and individuals selling items in keeping with the theme of natural, green, hand-crafted or specialty items that are unique and could attract new patrons may also be invited to participate in the market. A license issued for a market event, whether or not the applicant intends to directly offer for tasting and glass consumption and/or package sales at such event, shall be only valid for and limited to the specific date or dates and time or times when the market event shall be open for operation. The license shall state the date or dates when the license holder will offer tasting and glass consumption and/or package sales at the market event for which such license is issued. Any person who applies for this license for the purpose of directly offering tasting and glass consumption and/or package sales at a market event must be a holder of a valid current State of Illinois issued liquor license.

Farnsworth & Bilter entertainment district: Reserved.

Festival permit means a permit for an event with alcohol that will run for longer than fifteen (15) days. Requires council approval.

Florist means any business used, kept, maintained, and advertised to the public as a retailer of floral items for retail sale. Authorizes the licensee to sell alcohol to the general public in original packages only, for consumption off the premises where sold, as part of a floral arrangements or specialty baskets only. The value of said floral arrangements and basket contents must be greater than the value of the alcohol being sold with the arrangement or basket. This license shall only be available for floral or specialty basket shops whose primary purpose is the sale of floral arrangements or specialty baskets. Video gaming on the premises is not permitted.

Food service means the type of food service offered by the establishment.

Fox Valley Mall entertainment district boundary is the area east of Common Drive, south of New York Street, west of State Route 59, and north of McCoy Drive. These properties include the surrounding commercial outlots as well as the physical mall proper. The specific rules and regulations for this district are defined in section 6-8.

Fraternal society or lodge means any organization that operates under the "lodge system" and carries on its activities under a form of organization largely self-governing, called lodges, chapters or the like. Such organization shall be organized solely for the promotion of some common object other than the sale and consumption of alcoholic liquor. It shall be organized under the laws of the state or have an

affiliation, or charter with a national organization. Authorizes the licensee to sell alcoholic liquor for consumption on the premises, when sold only to members and the invited guests of members when such guests are personally accompanied by a member at all times upon the licensed premises. Must have been in existence in the State of Illinois continuously for a period of three (3) years prior to making application for a license and shall have at least fifty (50) members regularly paying dues. Video gaming is permitted in establishments licensed before January 1, 2020. New establishments must meet all requirements of a Full Service Restaurant and all requirements of Chapter 8, Article IV, Division 5 entitled "Video Gaming".

Full service restaurant means a restaurant that offers a full complement of menu items prepared onsite. A full service restaurant is the only publicly accessible category where video gaming may be permitted. This license shall only be available for premises defined as a restaurant herein that has a minimum seating capacity of one hundred twenty-five (125) seats on the same floor or level, or in a shopping center, as defined herein, a new license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of seventy-five (75) seats. To be eligible for video gaming, establishments must also meet all requirements of Chapter 8, Article IV, Division 5 entitled "Video Gaming".

Gas station this license shall not be available in the River Edge Redevelopment Plus Zone or any entertainment districts, and shall only be available for establishments which primary purpose is the sale of both gasoline and convenience goods and not the sale beer or wine that have at least two thousand two hundred (2,200) square feet of space dedicated to retail sale and storage of products for retail sale. The space dedicated to retail sales and storage of products for retail cannot include space used in part or in whole as an office, restroom (either private or public), utility room/closet, or seating for an onsite restaurant. Convenience goods means food, beverages, medications, household products, cosmetic items and reading materials. The establishment must on a regular basis sell at least five (5) of the seven (7) following categories of non-expired convenience goods: dairy, baked goods, frozen goods, groceries, snack foods, prepared foods, health and beauty aids. Dairy includes refrigerated milk, yogurt, ice cream, cheese and butter products. Baked goods includes breads, cakes, pastries, and cookies both pre-packaged and fresh. Frozen goods require storage in freezers. Groceries includes fresh, boxed, canned, and bagged foods. Snack foods may include candy, gum, chips, or single size servings of food items. Prepared foods includes foods prepared by the manufacturer or vendor to be served or used with minimal further preparation such as sandwiches, salads, or soup. Health and beauty aids includes items such as medications, bandages, cosmetics, grooming, and skin care products. A maximum of ten (10) percent of available retail space shall be utilized by licensee for the sale of alcoholic liquor as provided herein. Retail space for purposes of this license is defined as the interior floor space within the licensee establishment that is exclusively utilized for the retail sale of products, not services or storage of retail products. The retail space to be used for the sale of beer/wine must be contiguous. Individual cans/bottles of beer shall not be sold by licensee, beer shall be sold only in six-pack portions. Wine may only be sold in containers of no less than seven hundred fifty (750) milliliters. It shall be unlawful for a licensee to bundle, tape, package, or otherwise manipulate single containers for sale as a set. Any such manipulation of packaging shall be a violation of this subsection. Video gaming on the premises is not permitted.

Golf course/clubhouse means a public or private golf course with a clubhouse having facilities used, kept and maintained as a place where food is served, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Video gaming on the premises is not permitted.

Golf course premises defined as golf course herein which have a minimum of one hundred (100) total acres for an 18-hole or greater course or a minimum of fifty (50) total acres for a nine-hole course. Video gaming on the premises is not permitted.

Grocery store a building where the primary business consists of the retail sale of food items such as meats, cereals, produce, baked goods, dairy products, canned and prepared food products, beverages, cleaning supplies, pet food and supplies, personal products, household goods and similar items available to be purchased by the consumer. Samples are permitted but must comply with Illinois State regulations (Section 5/6-31 of the Illinois Liquor Control Act as amended from time to time). New licenses in this class may only be issued to establishments located in the downtown, shopping centers or businesses with more than ten thousand (10,000) square feet devoted exclusively to retail sales and whose primary purpose is other than the sale of alcoholic liquors. Does not include discount or dollar stores. Video gaming on the premises is not permitted.

Happy hour as defined by the State of Illinois language for PA 99-0046 as amended from time to time. Establishments without a kitchen are not eligible to offer happy hour.

Hotel (full service) means any building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed, and sleeping accommodations with private bathrooms are offered for adequate pay to travelers and guests, in which twenty-four (24) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity. Such hotel must have received a certificate of registration pursuant to the hotel occupancy tax requirements of section 44-193 of the Code of Ordinances and each sleeping room shall have an individually accessible, private full bathroom. The service or sale of alcoholic beverages is limited to guests of age staying on-site at the premises. Video gaming on the premises is not permitted.

Hotel (limited service) means any building or other structure that meets all requirements of the definition of "hotel (full service)" other than having a dining room or a kitchen on the premises. The service or sale of alcoholic beverages is limited to guests of age staying on-site at the premises. Video gaming on the premises is not permitted.

Late night menu means restaurant license holders may serve a limited food menu comprised of no less than five (5) hot food items between the hours of 9:00 p.m. and closing Sunday through Thursday, and between the hours of 10:00 p.m. and closing on Friday and Saturday.

Licensed premises means any building, portion of a building and secured enclosed area used by the licensee in the operation of the licensed business. Video gaming on the premises is not permitted.

Limited menu means an endorsement that allows a business to offer menu options that may or may not be prepared in the establishment. The limited menu endorsement is only available to establishments that offer one (1) type of alcohol service exclusively. Video gaming on the premises is not permitted.

Limousine means a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification.

Liquor store authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption off the premises where sold. Nothing in this subsection shall be construed as prohibiting the sale of packages containing six (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the customer. Tastings are permitted but must comply with Illinois State regulations (Section 5/6-31 of the Illinois Liquor Control Act as amended from time to time). New licenses in this class may only be issued to establishments located in the downtown, shopping centers or businesses with more than ten thousand (10,000) square feet devoted exclusively to retail sales and whose primary purpose is other than the sale of alcoholic liquors. No establishments which sell gasoline are eligible for this license. Does not include discount or dollar stores. Video gaming on the premises is not permitted.

Lounge area means an enclosed or separated area, in a liquor licensed restaurant or hotel, set aside primarily for the sale and consumption of alcoholic beverages, in which entertainment may be provided and/or a dance floor or raised stage may be installed.

Menu means a list of food items approved by the liquor commissioner for consumption on-site. The food items may either be prepared on-site or may be a list of food items available for purchase and delivery while on the licensed premises.

Movie theater a place kept, used, maintained, advertised or held out to the public as a place regularly used for showing motion pictures/films or conducting theatrical, musical or live performances or events. Video gaming on the premises is not permitted.

Nuisance activity means any of the following activities, behaviors, or conduct as defined by federal or state law or local ordinance where a citation is given, an arrest made or a violation has been documented:

- (a) Any activity specifically defined as a nuisance or public nuisance by federal or state law or by local ordinance;
- (b) Any activity defined as a felony or misdemeanor criminal offense under any Act codified in Chapter 720 of the Illinois Compiled Statutes and any similar provision of local ordinance;
- (c) Any activity that constitutes a violation of any provision of chapter 29 of this code;
- (d) Any activity that constitutes a violation of any provision of the Liquor Control Act of 1934 pertaining to the purchase, sale, or service of alcoholic liquor;
- (e) Any activity that constitutes a violation of any federal or state law, or local ordinance, concerning the humane treatment of animals;
- (f) Any activity that constitutes a violation of any local ordinance pertaining to the safety, use, or maintenance of real property;
- (g) Any activity that constitutes a violation of any rule duly adopted by the Illinois Department of Public Health pursuant to the Department of Public Health Act or by a local health department with jurisdiction over the premises.

On-site consumption shall authorize the licensee to sell to members of the general public who are twenty-one (21) and above beer, wine or alcoholic liquor by the drink for consumption on the premises.

On-site consumption package sales endorsement authorizes the licensee to sell to members of the general public who are twenty-one (21) and above beer and wine in original packages only for consumption off the premises. Video gaming on the premises is not permitted.

Original package shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshed or other receptacle or container of whatsoever kind, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

Outdoor seating means the outdoor location adjacent to a premises holding a Class B On-Site Consumption, Class C Specialty On-Site Consumption, or Class D Entertainment District License as defined herein where alcoholic liquor may be sold and consumed subject to the provisions governing the outdoor seating endorsement.

Package sales beer/wine only authorizes the licensee to sell to members of the general public who are twenty-one (21) and above beer and wine only for consumption off the premises. Nothing in this subsection shall be construed as prohibiting the sale of packages containing six (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the customer.

This does not include gas stations. Tastings are not permitted. Does not include discount or dollar stores. Video gaming on the premises is not permitted.

Package sales gas station authorizes an establishment that sells gasoline that meets all requirements of a gas station as defined herein to also sell to members of the general public who are twenty-one (21) and above beer and wine in original packages only, for consumption off the premises only during the time gasoline is sold. Tastings are not permitted. Video gaming on the premises is not permitted.

Package sales means the authorized license holder is eligible to sell to the general public alcoholic liquor in original packages only, for consumption off the premises where sold. Nothing in this subsection shall be construed as prohibiting the sale of packages containing six (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the customer. Tasting is permitted but must comply with Illinois State regulations, Section 5/6-31 of the Illinois Liquor Control Act as amended from time to time. Does not include discount or dollar stores. Video gaming on the premises is not permitted.

Pay per view event means televised events which are paid for by the licensee per such event.

Private party is an event where attendance is by invitation only, the host controls access to the premises, not open to the public, and alcoholic beverages are provided to invited guests at no charge.

Public place means any street, sidewalk, park, alley, dedicated public right-of-way or area of a business where the public is invited.

Recreational facility means a place kept, used, maintained, advertised or held out to the public as a place in which the public may participate in activities, including but not limited to bowling, arcade, billiards, recreational axe throwing, soccer, golf, miniature golf, and indoor simulated golf. The sale and service of alcoholic beverages must be a complement to a recreational activity. On-site food preparation and service of a menu approved by the Local Liquor Commissioner is required. Video gaming on the premises is not permitted.

Restaurant means any business, or type of food service establishment, that is primarily engaged in the sale of ready-to-eat food for immediate consumption. For the purpose of this definition, "primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least fifty-one (51) percent of the total sales, excluding the sale of liquor. This license shall only be available for premises defined as a restaurant herein that has a minimum seating capacity of sixty (60) seats on the same floor or level. In a shopping center, as defined herein, a new license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of thirty (30) seats. Video gaming on premises is not permitted.

Riverboat facility means any building in the downtown which contains one (1) or more lounges and restaurants and which is operated as the boarding facility for one (1) or more riverboats licensed under the Riverboat Gambling Act (230 ILCS 10/1 et seq.)

Sale (to sell) shall mean any transfer or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, whether as principal, proprietor, agent, servant or employee, includes, but is not limited to, all of the following acts:

- (a) The selling of alcoholic liquor;
- (b) The giving away of alcoholic liquor;
- (c) The dispensing of alcoholic liquor;
- (d) The providing of mix, ice, water or glasses for consumption of alcoholic liquor on premises;
- (e) The pouring of alcoholic liquor;

- (f) The providing of setups containing alcoholic liquor;
- (g) The storage of any alcoholic liquor.

Salon/spa as defined in the State of Illinois Compiled Statutes 225 ILCS 410; as amended from time to time. May not include any signs advertising itself as a "bar" or promoting the service or sale of alcoholic liquor. Video gaming on the premises is not permitted.

Seating variance means an application to the Local Liquor Commissioner requesting a ten (10) percent variance for the seat count as defined in in "Restaurant". "Full service restaurant" is not eligible for this variance.

Security plan a document that describes an owner's/operator's plan to address security issues and related events, including security assessment and mitigation options. This includes security alert levels and response measures to security threats. In addition, the security plan includes information about the types of cameras used at the establishment as well as video retention.

Self-service means a stand-alone establishment that offers self-service/self-pour options for either beer, cider or wine. License holder is required to have a BASSET trained employee actively and passively monitor customer operated dispenser pours and the consumption of customer operated dispenser poured alcohol at all times. Only eligible in entertainment districts previously approved by the city council. Customers at a self-service endorsement locations must purchase their alcohol from customer operated dispensing devices via a programmable, preauthorized access card that the licensee must be able to deactivate the access card if necessary to prevent violations of the Municipal Code. Licensee is required to have video monitoring of the customer operated dispensing devices at all times during which the licensed establishment is open to the public. Licensee must provide and maintain one (1) BASSET certified employee to serve as an attendant monitoring the customer operated dispensing devices and guard against over service and underage service, as well any other applicable regulations. Any licensee applying for the self-service endorsement must go through the city council approval process. Convenience stores, gas stations and discount/dollar stores are not eligible for this license. A full service kitchen is not required. Video gaming on the premises is not permitted.

Self-service restaurant means a stand-alone establishment that offers self-service/self-pour options for either beer, cider or wine as part of a restaurant. License holder is required to have a BASSET trained employee actively and passively monitor customer operated dispenser pours and the consumption of customer operated dispenser poured alcohol at all times. A full kitchen is required. Any licensee applying for the self-service endorsement must go through the city council approval process. Video gaming on the premises is not permitted.

Shopping center means a group of primarily retail establishments which were planned, constructed or approved via final plan to be constructed, with at least twenty thousand (20,000) square feet already complete, and are with customer and employee parking provided for on-site. It must occupy at least four (4) acres of land and have at least forty thousand (40,000) square feet of gross leasable space.

Social club authorizes the licensee to sell alcoholic liquor for consumption on the premises, when sold only to the members and the invited guests of the members when such guests are personally accompanied by a member at all times upon the licensed premises. The license shall only be available to clubs, fraternal societies or lodges which have been in existence in the State of Illinois continuously for a period of three (3) years prior to making application for a license and shall have at least fifty (50) members regularly paying dues. No member or officer of the organization shall be paid a salary or other compensation from the proceeds from the distribution or sale of alcoholic liquor or from the general revenues of the organization. Video gaming is permitted in establishments licensed before January 1, 2020. New establishments must meet all requirements of a Full Service Restaurant and all requirements of Chapter 8, Article IV, Division 5 entitled "Video Gaming".

Speak easy means a bar/restaurant (may be Full Service Restaurant or Restaurant). Food service requirements will be dependent on the location. Video gaming may be permitted if the location meets all the requirements of a Full Service Restaurant and all requirements of Chapter 8, Article IV, Division 5 entitled "Video Gaming".

Special event as used in this chapter, means a preplanned, single gathering event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, or sporting nature, or any other similar nature, held by an individual or entity, whether for-profit or non-profit, where food and drinks are sold, served or dispensed to members of the public.

Specialty basket means any business used, kept, maintained, and advertised to the public as a retailer of specialty items for retail sale. Authorizes the licensee to sell alcohol to the general public in original packages only, for consumption off the premises where sold, as part of a floral arrangements or specialty baskets only. The value of said arrangements and basket contents must be greater than the value of the alcohol being sold with the arrangement or basket. This license shall only be available for floral or specialty basket shops whose primary purpose is the sale of floral arrangements or specialty baskets. Video gaming on the premises is not permitted.

Spirits shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whisky, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Strolling endorsement permitted only in an indoor or contained area within a licensed entertainment district previously approved by the city council. Cups holding the alcohol must be different than any other beverage cup in the district and patrons will be required to wear a wristband indicating they are of the legal age to consume alcohol. Patrons may not be served more than one (1) drink at a time and will be limited to a maximum number per customer. Licensees with a strolling endorsement are required to actively and passively monitor customer operated dispenser pours and the consumption of customer operated dispenser poured alcohol. Customers at a strolling endorsement location must purchase their alcohol from customer operated dispensing devices via a programmable, preauthorized access card that the licensee must be able to deactivate the access card if necessary to prevent violations of the Municipal Code. Licensee is required to have video monitoring of the customer operated dispensing devices at all times during which the licensed establishment is open to the public. Licensee must provide and maintain one (1) BASSET certified employee to serve as an attendant monitoring the customer operated dispensing devices and guard against over service and underage service, as well any other applicable regulations. Downtown districts are not eligible for this endorsement. Any licensee that applies for this endorsement must go through the city council process.

Taproom means a location that: a) manufactures/produces beer only on the specified licensed premises, b) furnishes samples of the manufactured/produced beer for consumption on the premises, c) sells the manufactured/produced beer by the glass for consumption on the premises, d) sells the manufactured/produced beer in the original corked, capped or sealed and labeled container for consumption on or off the premises. A full service kitchen is not required. Video gaming on the premises is not permitted.

Tasting means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the Illinois Liquor Control Commission may be tasted in the following amounts: Distilled Spirits - 1/4 oz., Wine - 1 oz., and Beer - 2 oz.; notice of the tasting may be given. A tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40 of the Illinois Liquor Control Commission Rules.

Tasting room a premise where the sale of wine and/or craft beer is the primary business. A wine/craft beer boutique (also known as "Tasting Room" or "Tap Room") can either adjoin the premises of a

restaurant or operate as a stand-alone establishment. The retail sale of wine or craft beer by the drink for consumption on the premises and the retail sale of packaged wine or craft beer to be consumed on or off of the premises would be permitted. Video gaming on the premises is not permitted.

Tavern shall mean a location where it shall be unlawful for any person under the age of twenty-one (21) years to be present during the times that alcoholic liquor is sold. If the license is issued for a business which is not predominantly for the sale of alcoholic liquor, such as bowling alleys, this paragraph shall apply only to the room or area set aside for the sale and consumption of alcoholic liquor; provided that persons under the age of twenty-one (21) years may be present in said licensed premises for the purpose of eating a meal so long as they are accompanied by a parent, guardian or spouse twenty-one (21) years of age or older. New tavern locations after March 31, 2020, must have a kitchen and have an approved limited menu in effect at all times the establishment is open. New tavern locations, as of March 31, 2020, will also not be permitted to have video gaming unless all requirements of the Video Gaming Ordinance are met.

Temporary liquor permit the local liquor control commissioner shall have authority to issue a temporary permit for sale of alcoholic liquor to be consumed on the premises at a special event. "Special event," as used in this chapter, means a preplanned, single gathering event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, or sporting nature, or any other similar nature, held by an individual or entity, whether for-profit or non-profit, where food and drinks are sold, served or dispensed to members of the public. A temporary liquor license is not required for a private party as defined herein.

Theatrical-arts facility means any business used, kept, maintained, and advertised as a theater, comedy club, or acting school, in which performances are scheduled and held including, but not limited to, any live acts, recorded vocal, instrumental or spoken word soloists or groups.

To-go beer allows the sale of beer for off-premise consumption from a craft brewer or brew pub as these terms are defined in the Illinois Liquor Control Act. The container must be supplied by the Licensee and not exceed sixty-four (64) ounces. The container must have a screw-on cap and be sealed in such a manner that if the seal is broken, it may not be resealed and the break will be obvious to the casual observer.

Video gaming: Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

Wine means any alcoholic beverage obtained through the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Wine bar/boutique means a location where the sale of wine and/or craft beer is the primary business. A wine/craft beer boutique can either adjoin the premises of a restaurant or operate as a stand-alone establishment. The retail sale of wine or craft beer by the drink for consumption on the premises and the retail sale of packaged wine or craft beer to be consumed on or off of the premises would be permitted. A full service kitchen is not required. Video gaming on the premises is not permitted.

(Code 1969, § 6-2; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O93-45, § 1, 6-1-93; Ord. No. O93-62, § 1, 8-3-93; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O96-74, § 1, 6-25-96; Ord. No. O98-100, § 1, 11-10-98; Ord. No. O02-158, § 1, 12-10-02; Ord. No. O08-24, § 1, 3-25-08; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O15-053, 8-25-15; Ord. No. O18-003, 1-23-18; Ord. No. O18-011, 1-23-

18; Ord. No. O18-027, 3-13-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O20-023, § 1(Exh. A), 4-14-20)

HISTORY

Amended by Ord. [O20-059](#) on 9/8/2020

Sec 6-3 Local Liquor Control Commissioner

- (a) *Generally.* The mayor is authorized to be the local liquor control commissioner and shall be charged with the administration of The Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.], and such ordinances and resolutions relating to alcoholic liquor as may be enacted. The compensation for the performance of such duties herein shall be one thousand dollars (\$1,000.00) per year. The mayor may appoint one (1) deputy local liquor control commissioner to assist him in the exercise of the powers and the performance of duties herein provided for such local liquor control commissioner. The city council shall determine the amount of compensation to be paid to said deputy local liquor control commissioner as may be deemed necessary for the performance of the duties vested in him. No additional compensation shall be paid to any law enforcement officer, corporation counsel or assistant corporation counsel, or other city inspector for assisting the local liquor control commissioner in performing his duties.
- (b) *Powers, duties and functions.* The local liquor control commissioner shall be bound by the requirements of the Liquor Control Act 235 ILCS 5/1-1 et seq., as amended, and this chapter. The local liquor control commissioner shall have the following powers, duties and functions with respect to liquor licenses:
- (1) To grant a liquor license to persons or entities within his jurisdiction.
 - (2) The local liquor control commissioner may impose a fine and/or suspend for any period up to thirty (30) days or revoke for cause any license issued by him if he determines that the licensee has violated any of the following provisions:
 - a. The licensee has violated any ordinance, resolution or regulation enacted by the city or the license has violated any of the provisions of the Liquor Control Act, 235 ILCS 5-1-1 et seq., or regulation adopted by the local liquor control commission and which violation occurred as part of the operation of the licensee's business or upon the licensed premises or adjacent premises.
 - b. The licensee is more than forty-five (45) days delinquent in the payment of any debt to the city.
 - c. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community or is deemed to have property maintenance, fire, building or other code violations upon the premises for which the establishment is licensed, he may, upon the issuance of a written order stating the reasons for such conclusion and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; provided that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.
 - d. For the purpose of this section, every licensee shall be deemed responsible for the acts of his agents or employees whether or not such licensee knowingly permits or has actual knowledge of such unlawful acts stated in this section.
 - e. Aside from the provisions in section 6-3(c) no fine, suspension or revocation shall be imposed except after a public hearing by the local liquor control commissioner or appointed hearing officer in accordance with section 6-30.

- (3) To enter into or to authorize any law enforcement officer, corporation counsel or assistant corporation counsel, or other city inspector to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law or city ordinance, resolution or any rules or regulations adopted by the local liquor control commissioner or by the state commission have been violated, and at such time to examine the premises of the licensee in connection therewith. Any person appointed deputy local liquor control commissioner pursuant to this section shall have the power given to the local liquor control commissioner by this paragraph.
- (4) To examine, or cause to be examined, under oath, any applicant for a liquor license or for the renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the state liquor control commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for his information in the performance of his duties; and for such purposes to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.
- (5) To issue a written order that the licensed premises be closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community. Except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

(Code 1969, § 6-3; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O02-158, § 2, 12-10-02; Ord. No. O03-145, § 3, 11-4-03; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

State Law reference— Local liquor control commissioners, 235 ILCS 5/4-2 et seq.

Sec 6-4 License Required; Transfer, Etc.

- (a) It shall be unlawful for any person to sell or offer for sale at retail in the corporate limits of the city any alcoholic liquor without a retailer's license. This license shall allow the licensee to sell or offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form. No such license hereunder may be transferable between any persons, premises, locations, or entities.
- (b) Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months.

(Code 1969, § 6-4; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-5 Application For License

- (a) Only completed applications, with required documentation, shall be considered by the liquor

control commissioner. No license may be issued until all information and documentation required in the application has been provided. Applications deemed incomplete and remaining incomplete for longer than sixty (60) business days shall be denied.

- (b) Applicants for a liquor license shall provide the local liquor control commissioner with a written statement of the following:
- (1) The applicant's full name, address, and date of birth.
 - a. In the case of an individual the full name, address, and date of birth of the applicant.
 - b. In the case of a co-partnership the full name, address, and date of birth of all persons entitled to share in the profits thereof.
 - c. In the case of a corporation the name, address, and date of birth of all officers, directors, regional manager, on-site manager and persons owning directly or beneficially stock of such corporation.
 - d. In the case of a limited liability company, the name, address, and date of birth of all members and managers directly owning or having an interest in such entity.
 - (2) The full name, address, and date of birth of the person acting as manager of a licensed premises.
 - (3) Reserved.
 - (4) The length of time the applicant has been in such business or, in the case of a corporation, the date when its charter was issued. In addition:
 - a. If an Illinois corporation, the date of incorporation and a certificate of good standing from the Secretary of State shall be provided.
 - b. If a foreign corporation, the date of becoming qualified to transact business under the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to transact business in the state shall be provided.
 - c. If an Illinois limited liability company, the date of organization and a certificate of good standing from the Secretary of State shall be provided.
 - (5) The location and description of the premises or place of business which is to be operated under such license. In addition:
 - a. The name and address of the owner of the premises shall be given. If the premises is held in a trust the names and addresses of all owners of the beneficial interests of the trust shall be given.
 - b. If the premises is a leased premises, a copy of the lease shall be provided. Such lease shall be for a term of sufficient length to encompass the period of the license sought.
 - (6) Whether applicant has made application for a similar license or any other license for the premises except as described in this application and the disposition of such application.
 - (7) Whether a previous license by any state or subdivision thereof, or by the federal government has been issued, if so where and when, or if any such license has been revoked or suspended and the reasons thereof.
- (c) The application shall be sworn to by the applicant, if an individual, and by at least two (2) members of any partnership applying for such a license. Applications by corporations shall be

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

- (d) The applicant must produce proof of dram shop liability insurance at the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1 et seq. as amended from time to time.
- (e) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates for anyone serving alcohol and all managers and assistant managers.
- (f) The applicant shall complete and file a certificate of registration application with the city and produce the appropriate bonds pursuant to section 44-124.
- (g) If the applicant is seeking a Class B-fraternal society or club license he shall file with the local liquor control commissioner a list of names, addresses, and dates of birth of its officers, and similarly shall file the name of any new officer within ten (10) days of his election.
- (h) All applications shall be accompanied by an application fee that shall be nonrefundable and inapplicable to the annual license fee.
 - (i) The local liquor control commissioner shall require that any new applicant, manager(s), and assistant manager(s) for a liquor license shall submit to a background check, and shall provide the local liquor control commissioner with any documents necessary for said background check.
 - (j) Prior to the issuance of any liquor license, the applicant must provide the local liquor control commissioner with a certificate of occupancy for the licensed premises.
- (k) Upon approval of the application and issuance of any new liquor license, the licensee will be placed on a one-year probation period. During said probationary period, if the licensee violates any section of the liquor ordinance, as specified in a probationary agreement that includes a management plan, put forth to the licensee prior to the issuance of a license, a liquor hearing will be called and the license may be revoked immediately, with no progressive discipline required.
- (l) In the event that the local liquor control commissioner refuses to grant a license, the local liquor control commissioner shall place on file in the city clerk's office the rejected application and a document setting forth reasons for the commissioner's refusal to grant the license. Copies of the rejected application and the document setting forth the reasons for refusal shall also be served by regular U.S. mail and email (as provided in the application) upon the applicant for the license at the address stated on the license application. The rejected applicant may, within ten (10) days from the receipt of said notice of rejection, request a hearing before the local liquor control commissioner, at which time all interested parties shall be heard per section 6-30.
- (m) The decision of the local liquor control commissioner granting or refusing to grant a city license following hearing shall lie to the state liquor control commission, and shall be on the record, and not de novo.
- (n) No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this chapter nor knowingly cause or suffer another to furnish or withhold such information on his behalf. No person shall knowingly furnish any false or misleading information in the investigation of any application for a license required by this chapter. No person shall willfully withhold any information that is relevant to any such investigation when called upon by any city representative to furnish such information. The furnishing of false or misleading information or withholding any relevant information on any application for any license required by this chapter shall be grounds for denial of any such application, or if discovered after the issuance of any such license, shall be grounds for a fine and/or suspension or revocation of the license.

- (o) All applicants shall provide information with their application detailing any and all camera equipment located on the interior and/or exterior of the applicant's premises as the police department may request, and further, all applicants shall agree by signature on the application that they shall cooperate fully with the Aurora Police Department in providing all video pursuant to any police investigation during the term of any liquor license granted.
- (p) All applicants for licenses requiring tabled seating shall provide an appropriate mix of seating options within the establishment, and shall provide a to-scale floor plan, that includes entrances/exits, as part of the application illustrating the seating arrangements for approval. All applicants for licenses which require a minimum square footage shall provide a to-scale floor plan as part of the application illustrating all appropriate square footage requirements for approval.
- (q) All applicants shall provide information with their application detailing all previous and current liquor licenses, either individually held or as part of a business enterprise associated to the current application or independent from the current application.

(Code 1969, § 6-5; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O93-05, § 1, 1-5-93; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O15-053, 8-25-15; Ord. No. O18-003, 1-23-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O19-112, (Exh. A), 12-17-19)

Sec 6-6 Restrictions On Licenses

- (a) No license required by this chapter shall be issued or renewed to the following:
 - (1) A person who is indebted to the city or other governmental entity for payment of any fees, fines, charges, bills, or taxes which he is obligated to pay but have remained unpaid for more than forty-five (45) days.
 - (2) A person who has been convicted of a felony under any federal or state law, irrespective of the nature of the offense, unless the local liquor commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the internal investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
 - (3) A person who has been convicted of a violation of any federal, state or city law concerning the manufacture, possession, consumption or sale of alcoholic liquor including any misdemeanor and traffic violation relating to the same, or has forfeited his bond to appear in court to answer to any charges for any violation, unless the local liquor commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the internal investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
 - (4) A person who is not of good character and reputation in the community in which he resides or conducts business. For the purpose of this chapter, any person who within five (5) years of application for any liquor license has been convicted of, plead guilty to, or been placed on supervision for any liquor related offense, including driving under the influence of alcohol, shall be considered not of good character and reputation. There may be additional bases for determining that someone is not of good character or reputation including, without limitation, persons convicted of committing a crime of moral turpitude.
 - (5) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.

- (6) A corporation, if any officer, manager or director thereof, or any stockholders owning stock of such corporation, would not be eligible to receive a license hereunder for any reason.
 - (7) A corporation or limited liability company, unless it is incorporated or organized in Illinois or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to transact business in Illinois.
 - (8) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
 - (9) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
 - (10) A person, firm or corporation not eligible for a state retail liquor dealer's license.
 - (11) Any person who fails to obtain or maintain a state liquor license during the term of the license.
 - (12) Any person who has not posted bond pursuant to the city's food and beverage tax, pursuant to section 44-124 of this Code.
 - (13) Any person who cannot produce proof of dram shop insurance.
 - (14) Any person that has property maintenance, fire, building or other code violations upon the premises for which the establishment is licensed.
 - (15) Any person that has failed to obtain an operational permit to operate a place of assembly above or below grade or with a capacity of six hundred (600) occupants or more, pursuant to chapter 17 of this Code.
 - (16) A person whose liquor license has been revoked.
 - (17) A person that knowingly furnishes false or misleading information or withholds any relevant information on any application for any license required by this chapter or knowingly causes or suffers another to furnish or withhold such information on his behalf.
- (b) Any licensee who has been convicted of a felony under any federal or state law, any misdemeanor in which alcoholic liquor was involved or any violation listed in paragraphs (2), (3), (4), and (5) of subsection (a) shall notify the local liquor control commissioner of such conviction. Such notification shall be made within thirty (30) days after the sentencing for the conviction.

(Code 1969, § 6-6; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O02-158, § 3, 12-10-02; Ord. No. O03-145, § 2, 11-4-03; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O20-023, § 1(Exh. A), 4-14-20)

Sec 6-7 Term Of License; Renewals

- (a) Each license issued under this chapter shall be for a period of one (1) year. Classes A and B shall commence on September 1 and terminate on August 31; all other classes shall commence on May 1 and terminate on April 30.
- (b) Completed applications for renewal of a liquor license must be filed with the local liquor control commissioner or his/her designee not less than fourteen (14) days prior to the date for which the license is to expire. Applications for renewal submitted after the due date shall be assessed a late fee.
- (c) At the time of filing application for renewal of a liquor license each applicant must produce evidence that he has received a state liquor license along with the following documentation:

- (1) Copy of the current lease or proof of ownership, (i.e. deed) if prior lease expired or new lease was entered into or ownership of the property has changed in the past year.
- (2) Copy of the current dram shop insurance (liquor liability insurance) at the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1 et seq., as amended from time to time, showing the City of Aurora as the certificate holder.
- (3) Current certificate of good standing from the Secretary of State.
- (4) Copy of the applicable county department of health certificate.
- (5) Copy of menu, if applicable.
- (6) Copy of current State of Illinois liquor license.
- (7) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates for anyone serving alcohol and all managers and assistant managers.
- (8) Current list of names, dates of births and addresses of officers (Class B license holders only).
- (9) Full amount of the annual license fee required for relevant classification.
- (10) Background check of officers, members, owners, and managers if more than three (3) years has elapsed since last background check.
- (11) Audit sheet regarding the distribution of revenue for Class N and license holders with video gaming terminal licenses.
- (12) Update any security camera information and floor plan information as required under the Business Registration Ordinance in Chapter 25 of this code.

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

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

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

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

(Code 1969, § 6-7; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O90-26, § 1, 3-6-90; Ord. No. O96-74, § 2, 6-25-96; Ord. No. O04-43, § 1, 4-27-04; Ord. No. O15-053, 8-25-15; Ord. No. O18-027, 3-13-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O19-112, (Exh. A), 12-17-19)

Sec 6-8 Classification Of Licenses

(a) *Classification of liquor licenses.* There shall be the following classification of licenses:

(1) Class A - Packaged Sales.

a. Authorizes the licensee to sell to the general public who are twenty-one (21) and above alcohol in its original packages for consumption off the premises where

sold. Nothing in this subsection shall be construed as prohibiting the sale of packages containing six (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the customer.

- b. Convenience store, farmer's market, florist, gas station, grocery store, hotel, liquor store, package sales beer/wine only, package sales gas station, and specialty basket as herein defined in section 6-2 shall have a Class A - Packaged sales license.
- c. Each licensee shall follow any restrictions set forth in section 6-2 for the type of license they have.
- d. No establishments which sell gasoline may sell liquor, only beer and wine.
- e. Available endorsements for some Class A - Package Sales license holders are: gas station, delivery, drive-thru and farmer's market.
- f. Video gaming on the premises is not permitted.

(2) *Class B - On-Site Consumption.*

- a. Authorizes the licensee to sell to members of the general public who are twenty-one (21) and above beer, wine, or alcoholic liquor by the drink for consumption on premises in conjunction with the sale of food for consumption on the premises.
- b. Service of alcoholic liquor shall be only during the time that food is prepared on the premises and is available to be served and a menu, approved by the liquor commissioner is in effect, unless otherwise specified in section 6-2.
- c. Each licensee shall follow any restrictions set forth in section. 6-2 for the type of license they have.
- d. Available endorsements for Class B - On-Site Consumption license holders are: package sales, video gaming (limited), and outdoor seating.
- e. Video Gaming will not be permitted on premises unless the licensee meets the definition of Full Service Restaurant in section 6-2 and the requirements of Chapter 8, Article IV, Division 5, entitled "Video Gaming."

(3) *Class C - Specialty On-Site Consumption.*

- a. Authorizes the licensee to sell to members of the general public who are twenty-one (21) and above beer, wine, or alcoholic liquor by the drink for consumption on premises. Food service regulations for a Class C license are less restrictive for certain licensee types as described in section 6-2.
- b. Each licensee shall follow any restrictions set forth in section 6-2 for the license they have.
- c. Licensees with Class C - Specialty On-Site Consumption can apply for the following endorsements: package sales.
- d. Video gaming on the premises is not permitted.

(4) *Class D - Specialty By Area.*

- a. Downtown Core Entertainment District.

- 1. In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue Class A, B, and C (excluding gas stations and new licenses for liquor stores) licenses

authorizing the sale or service of alcoholic liquor at Downtown Core Entertainment District venues in accordance with this section. Such license will be known as Class D - Downtown Core Entertainment District License, as defined in section 6-2, and any person holding such a license shall be known as a Class D - Downtown Core Entertainment District licensee.

2. Licensees in the Downtown Core Entertainment District can apply for the following endorsements: package sales, delivery, and outdoor seating.
3. Food service regulations for a Class D - Downtown Core Entertainment District licensees are less restrictive for certain licensee types as described in section 6-2.

b. Downtown Fringe Entertainment District

1. In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue Class A, B, and C (excluding gas stations and new licenses for liquor stores) licenses authorized the sale or service of alcoholic liquor at Downtown Fringe Entertainment District venues in accordance with this section. Such license will be known as Class D - Downtown Fringe Entertainment District License, as defined in section 6-2, and any person holding such a license shall be known as a Class D - Downtown Fringe Entertainment District licensee.
2. Licensees in Downtown Fringe Entertainment District can apply for the following endorsements: package sales, delivery, and outdoor seating.
3. Seat requirements: The license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of thirty (30) seats on the same floor or level, inclusive of the seating around a bar used for alcoholic liquor consumption.
4. Food service regulations for a Class D - Downtown Fringe Entertainment District licensees are less restrictive for certain licensee types as described in section 6-2.

c. Fox Valley Mall Entertainment District

1. In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue Class A, B, and C (excluding gas stations) licenses authorized the sale or service of alcoholic liquor at Fox Valley Mall Entertainment District venues in accordance with this section. Such license will be known as Class D - Fox Valley Mall Entertainment District License, as defined in section. 6-2, and any person holding such a license shall be known as a Class D - Fox Valley Mall Entertainment District licensee.
2. Licensees in the Fox Valley Mall Entertainment District can apply for the following endorsements: package sales, delivery, outdoor seating and strolling.
3. Video Gaming will not be permitted on premises unless the licensee meets the definition of Full Service Restaurant in section 6-2 and the requirements of Chapter 8, Article IV, Division 5 entitled "Video Gaming."

d. Farnsworth Bilter Entertainment District.

1. Reserved.

- (b) *Number of licenses, endorsements and required fees.* The city council shall from time-to-time by resolution determine the fees and fix the number of licenses and endorsements available in each classification.
- (c) *Conversion.* On August 31, 2020, the commissioner shall convert all valid licenses authorizing the sale of alcoholic liquor at retail as follows:
- (1) Licenses for Packaged Sales. The commissioner shall convert all valid licenses issued under any previous city ordinances authorizing the retail sale of alcoholic liquor in original packages for consumption off the premises where sold shall be converted to Class A licenses under this ordinance.
 - (2) Licenses for On-Site Consumption. The commissioner shall convert all valid licenses issued under any previous city ordinance authorizing the retail sale of alcoholic liquor for consumption on the premises where sold shall be converted to Class B licenses under this ordinance. Further, and notwithstanding any other provision of this code to the contrary, the commissioner shall, at the time of the conversion, grant a video gaming endorsement for any Class B license converted under this paragraph if, and only if, a video gaming terminal authorized by the Video Gaming Act is lawfully operated the premises embraced by said license on the effective date of this ordinance.
 - (3) Conversion Class C License. Notwithstanding the provisions of paragraph (a) and (b) above, the commissioner shall convert any valid Class F1 license to a Class C license.
 - (4) Number of licenses upon conversion. The maximum aggregate number of Class A, Class B, and Class C licenses available at the time of the conversions contemplated herein shall be equal the total number of licenses eligible for conversion. Upon conversion, the number of licenses available in each class shall be equal to the number of licenses converted to each class.

(Code 1969, § 6-8; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O89-69, § 1, 7-18-89; Ord. No. O90-14, § 1, 9-18-90; Ord. No. O93-45, § 1, 6-1-93; Ord. No. O93-50, § 1, 6-15-93; Ord. No. O93-69, § 1, 9-7-93; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O96-74, § 3, 6-25-96; Ord. No. O99-37, § 1, 5-25-99; Ord. No. O02-158, § 4, 12-10-02; Ord. No. O04-43, § 2, 4-27-04; Ord. No. O05-18, § 1, 2-22-05; Ord. No. O05-91, § 1, 7-12-05; Ord. No. O08-105, § 1, 11-14-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O11-021, § 1, 5-24-11; Ord. No. O15-053, 8-25-15; Ord. No. O16-013, 3-8-16; Ord. No. O16-040, 6-28-16; Ord. No. O16-044, 7-12-16; Ord. No. O16-063, § 1, 9-13-16; Ord. No. O16-070, § 1, 11-8-16; Ord. No. O17-004, 2-14-17; Ord. No. O18-003, 1-23-18; Ord. No. O18-011, 1-23-18; Ord. No. O18-027, 3-13-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O19-066, 10-8-19; Ord. No. O20-023, 4-14-20)

Sec 6-9 Number Of Licenses And Fees

- (a) The city council shall determine, by ordinance or resolution, the number of licenses available in each classification. (This limitation shall not apply to temporary permits issued by the local liquor control commissioner under section 6-10 of this chapter.) Neither the local liquor control commissioner nor any other person or entity may issue liquor licenses in a number that is in excess of the number authorized by the city council. A schedule of the currently authorized number of licenses available shall be maintained by the city clerk for the local liquor control commissioner.
- (b) In addition, the city council may regulate the number of licenses by considering at least the following criteria:

- (1) The class of liquor license applied for;
 - (2) The past performance of the applicant; or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, and majority stockholder, and manager, as a licensee;
 - (3) The character and reputation of the applicant; or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, majority stockholder and manager;
 - (4) The general design and layout of the proposed premises with particular attention given to the licensee's ability to control access by minors;
 - (5) The amount of the applicant's anticipated gross revenue from the sale of alcoholic liquor as compared with gross revenue from other sources within the proposed licensed premises;
 - (6) The nature of entertainment, if any, which the applicant intends to provide;
 - (7) The compliance of the premises with all ordinances of the city and specifically health, building, property, maintenance, housing, and fire safety ordinances;
 - (8) Any monies owed to the city by the applicant which have remained unpaid for a period of more than forty-five (45) days, whether for bills, taxes, licenses or otherwise;
 - (9) The number, class and type of licensed premises within a one-mile radius of the proposed licensed premises, and within the city as a whole;
 - (10) The zoning, general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood and the city as a whole;
 - (11) The law enforcement problems, if any, which would be created by the opening of the premises;
 - (12) The recommendation of the commissioner.
- (c) The fee for each class of license shall be determined, from time to time, by separate ordinance or resolution of the city council.
- (d) The annual fee hereinabove designated for said liquor license shall be due and payable prior to the expiration of the current year's license.
- (e) The fee hereinabove designated for the liquor license shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of a new license.
- (f) No part or portion of any fee paid under this section shall be refundable for any purpose.
- (g) Upon any license becoming forfeited, void or revoked for any reason, the number of available licenses in that classification shall automatically and immediately be reduced by one (1).

(Code 1969, § 6-9; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O90-14, § 2, 9-18-90; Ord. No. O93-05, § 1, 1-5-93; Ord. No. O93-45, § 1, 6-1-93; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O11-101, § 1, 12-20-11; Ord. No. O15-053, 8-25-15; Ord. No. O18-027, 3-13-18)

Sec 6-10 Special Permits

- (a) Temporary permit.
- (1) The local liquor control commissioner shall have authority to issue a temporary permit for

sale of alcoholic liquor to be consumed on the premises at a special event.

- (2) Such temporary permit may be issued to a club, society, fraternal or benevolent organization or association which is organized not for pecuniary profit or to a for-profit entity, organization or group, and shall only be valid for a single theme and at the same location for not more than fifteen (15) days from start to finish.
- (3) All applicable state and local laws, ordinances, rules and regulations shall apply, including, without limitation, the requirements set forth in section 6-23 regarding completion of a state-certified beverage alcohol sellers and service education and training program prior to issuance of permit. Each written application for a temporary permit under this section must include the following documents:
 - a. Proof of a valid state liquor permit or license for special event (Note: For-profits must apply for a standard retailer's license from the state to hold a special event);
 - b. Dram shop liability insurance to the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1, et seq. as amended from time to time, covering the specific date(s) of the special event; and
 - c. Proof of completion of a state-certified beverage alcohol sellers and service education and training program shall not be required for each person serving or selling alcoholic beverages pursuant to a temporary liquor permit provided any such person is at all times supervised in the serving or selling of alcoholic beverages by not less than two (2) persons present at the alcohol sales or service area on the licensed premises and provided such supervisor has successfully completed said state-certified training.
 - d. Each application for a temporary liquor permit shall identify each person who will be supervising the serving or selling of alcoholic beverages at the alcohol sales or service area on the licensed premises. Notwithstanding the provisions of subsection (a)(3) of this section, each such designated supervisor shall submit proof of his or her successful completion of a state-certified beverage alcohol sellers and service education and training program at the time of application.
 - e. Each applicant for a temporary liquor permit shall list the hours of the event and hours that alcoholic beverages will be sold and or consumed.
 - f. As part of the application, the applicant must list the type of entertainment and the approximate time of the performance(s).
 - g. On-site security plan for temporary liquor permit. See also, §415-161 for security requirements depending on event size.
- (4) Any other documents the local liquor commissioner may request pursuant to state or local liquor control laws, rules and regulations.
- (5) No more than twelve (12) temporary permits may be granted to any organization during a calendar year.
- (6) Notwithstanding any of the above-mentioned provisions, a temporary liquor permit may be issued for the sale and consumption of beer at a regularly scheduled game or tournament at a privately owned sports stadium. Such permit shall be issued with the provision that the sale of beer cease at 10:30 p.m. and that the sale and consumption of beer not be allowed outside of the stadium area.
- (7) Nothing contained in this section shall preclude the issuance of a temporary permit to sell to the general public alcoholic liquor, for consumption off the premises, when participating in a city-sponsored event and with the approval of the liquor control commissioner.

(8) Exemption for "public body". Public bodies shall be exempted from section 6-10(d), but all other requirements of this article shall apply. For purposes of this article, "public body" shall mean the state, any county, township, special district, school or school district, municipality, or any official, board, commission or department thereof, or other political subdivision of the state, now or hereafter created.

(b) BYOB permit.

- (1) Authorizes the consumption of alcoholic liquor brought onto the premises by a patron over the age of twenty-one (21) for on-site consumption at a location that possesses either a City of Aurora Class D-1, E, E-1, or F Liquor License.
- (2) BYOB shall be permitted in conjunction with the purchase and consumption of a meal.
- (3) BYOB shall be limited to no more than one (1) seven hundred fifty (750) milliliter bottle of wine or thirty six (36) ounces of beer per patron.
- (4) BYOB shall be limited to the licensed premises.
- (5) Permit holders may provide glassware and ice to patrons, and may uncork, pour, serve or otherwise control the consumption of the beer and wine.
- (6) Permits will be available to license holders upon submittal of a written application. The issuance of the permit will be at the discretion of the local liquor commissioner and will be renewed during the renewal of annual liquor licenses.

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

- (1) Proof of a valid state liquor permit or license for special event (Note: For-profits must apply for a standard retailer's license from the state to hold a special event);
- (2) Dram shop liability insurance to the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1, et seq. as amended from time to time, covering the specific date(s) of the special event; and
- (3) Proof of completion of a state-certified beverage alcohol sellers and service education and training program shall not be required for each person serving or selling alcoholic beverages pursuant to a temporary liquor permit provided any such person is at all times supervised in the serving or selling of alcoholic beverages by not less than two (2) persons present at the alcohol sales or service area on the licensed premises and provided such supervisor has successfully completed said state-certified training.
- (4) Each application for a temporary liquor permit shall identify each person who will be supervising the serving or selling of alcoholic beverages at the alcohol sales or service area on the licensed premises. Notwithstanding the provisions of subsection (c) of this section, each such designated supervisor shall submit proof of his or her successful completion of a state-certified beverage alcohol sellers and service education and training program at the time of application.
- (5) Any other documents the local liquor commissioner may request pursuant to state or local liquor control laws, rules and regulations.

(Code 1969, § 6-10; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O90-26, § 1, 3-6-90; Ord. No. O93-05, § 1, 1-5-93; Ord. No. O05-18, § 2, 2-22-05; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O11-004, § 1, 3-8-11;

Ord. No. O13-040, § 1, 7-23-13; Ord. No. O16-070, § 1, 11-8-16; Ord. No. O18-003, 1-23-18; Ord. No. O18-011, 1-23-18; Ord. No. O18-119, (Exh. A), 12-19-18; Ord. No. O19-112, (Exh. A), 12-17-19)

Sec 6-11 Licenses And Certificates To Be Posted

Every licensee under this article shall cause his liquor license, maximum occupancy load, and county health department certificate to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Code 1969, § 6-11; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O08-105, § 1, 11-14-08; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-12 Lists Of Licenses

- (a) The local liquor control commissioner shall keep or cause to be kept a complete list of all such licenses issued by him and furnish the city clerk, the city treasurer and the chief of police with copies thereof.
- (b) Upon issuance or revocation of any license the local liquor control commissioner shall give written notice of such action to the city clerk, the city treasurer and the chief of police within forty-eight (48) hours of such action.

(Code 1969, § 6-12; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-13 Allowed Areas

- (a) A liquor license shall be issued only to establishments located in those portions of the city hereinafter classified as predominantly business in character, unless otherwise provided.
- (b) For the purposes of this chapter the following described portions of the city are predominantly business in character:
 - (1) Downtown, as defined herein.
 - (2) Shopping centers, as defined herein.
 - (3) Contiguous areas of at least fifteen (15) acres which are zoned as B-2 Business District—General Retail, B-3 Business and Wholesale District, BB Business—Boulevard District, ORI Office, Research and Light Industry District or M-1 Manufacturing District, Limited or combinations of said districts under the chapter 49 of this code and the zoning map attached thereto. In addition, any land zoned PDD-Planned Development District shall be included to the extent that such land has been designated for uses similar to the above zonings. Any area zoned R-1, R-2, R-3, R-4, R-5, B-1, M-2, downtown core, downtown fringe is specifically excluded from said business districts.
- (c)
 - (1) Nothing contained in this section shall preclude the issuance of a liquor license to Fraternal Society or Club, Restaurant or Beer and Wine Restaurant establishments in portions of the city classified as predominantly business in character.
 - (2) No new liquor licenses may be issued after January 1, 2003 to any establishment that is within five hundred (500) feet of a residential property without the applicant obtaining the approval of the liquor commissioner through the hearing process established in section 6-13(d)(2-4), provided the property has adequate off-street parking, and complies with all other requirements of the Code. However, if the license is located in the downtown or a shopping center, as defined above, then a liquor license may be issued without the need for a special use permit so long as the license complies with all other requirements of the

Code. Current Class A, Class B, Class C and D establishments in portions of the city located within five hundred (500) feet of a residential property shall not be required to obtain approval from the liquor commissioner in order to renew their existing liquor license.

- (d) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of a church, grade school, middle school, alternative school or high school, hospital, or home for indigent persons. However, if the license is located in the downtown or a shopping center, as defined above, then a Class D license may be issued if the license is not located within one hundred (100) feet of a grade school, middle school, alternative school or high school. In the case of a church, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.
- (1) The liquor commissioner may grant a reduction of the distance requirement in this subsection (d), based on a finding from an administrative hearing officer that such a reduction would not detrimentally affect the church, grade school, middle school, alternative school or high school, hospital or home for indigent persons within one hundred (100) feet of the premise proposed to be licensed. If a reduction is granted, applicants must still comply with all other application requirements associated with the issuance of a liquor license.
 - (2) The hearing officer shall consider the following factors in reviewing a reduction in the distance requirement:
 - a. The type of activity to be conducted at the premises proposed to be licensed and the days and times during which such activity will take place;
 - b. The size of the applicant's business and the affected establishment;
 - c. The availability of adequate parking for patrons of both the applicant's business and the affected establishment;
 - d. Whether the applicant is seeking a license to permit consumption of liquor at its premises or for the sale of package goods;
 - e. Reports from the police regarding the location, as well as the history of activity conducted at or in conjunction with the premises and any associated infractions or violations of state law or local ordinances;
 - f. The relevant geography and location of the applicant's business;
 - g. The legal nature and history of the applicant; and
 - h. The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.
 - (3) An applicant seeking a distance requirement reduction shall make a written submission to the city clerk for review by an administrative hearing officer. Upon receiving a completed application the city clerk shall notify the alderman's office. The application shall present all factors the applicant believes to be relevant to whether a reduction is appropriate. Aldermen and/or representatives of the city will also have an opportunity to submit information they believe to be relevant to the hearing officer's recommendation. The request for reduction shall be accompanied by an additional fee of up to one thousand dollars (\$1,000.00) to defer the costs of the administrative hearing officer. The hearing officer shall review the information provided and shall incorporate it in to the hearing officer's decision for the liquor commissioner's review and approval.
 - (4) If the liquor commissioner grants a liquor license with a distance reduction, the factors that were deemed relevant to the hearing officer's finding may be included in a plan of

conduct. Any such plan of conduct shall be deemed a part of the license, and compliance with the plan of conduct shall be a necessary condition to the continued validity of the license. Failure to comply with one (1) or more elements of the plan of conduct shall subject the licensee to suspension or revocation of the liquor license.

- (e) No Tavern license, as defined in section 6-2, shall be issued for any location that is within five hundred (500) feet of any location for which any existing license is held except in the "downtown" or "shopping centers."
- (f) Nothing contained in this section shall preclude the issuance of a Class A—Package Beer and Wine License to establishments with more than ten thousand (10,000) square feet devoted exclusively to retail sales and whose primary purpose is other than the sale of alcoholic liquors; provided, that said establishment has met the appropriate zoning regulations, has adequate off-street parking and has complied with the other requirements of this Code.
- (g) Outdoor seating areas serving alcohol shall be permitted only on the premises of those licensees holding a Class A, B, D, E, F, H, P, or S license. Nothing contained in this section shall preclude the approval and issuance of an outdoor seating area for a licensee located within the "downtown" area, defined as the downtown core and downtown fringe areas as defined from time to time, or "shopping centers" as defined in this article, provided that said establishment has met the other requirements as set forth in this section and has provided a business plan that includes, but is not limited to, a detailed plan to contain noise and music within its premises, as well as security and parking issues.
 - (1) Each licensee that desires to operate an outdoor seating area, must submit a permit request to the local liquor control commissioner. The local liquor control commissioner shall have final approval over any and all requests for an outdoor seating area. The application for outdoor seating area shall include:
 - a. A hard copy of a dimensioned plan drawn to scale including property lines showing the sidewalk or other outdoor space and all existing public improvements and encroachments such as light posts, benches, planters, fencing, trash receptacles, fences, trees and tree grates in the area, bicycle racks and newspaper boxes. The diagram shall also include the location of the curb relative to the building and proposed location of all furniture and equipment to be placed on the sidewalk or area. There shall be a single entry into the outdoor seating area from within the licensed premise and that entryway must be from within the licensed premise except for establishments located downtown. For businesses in the downtown a security plan must be submitted detailing the means to be taken to provide for adequate control of the area.
 - b. Proof that the applicant has written approval from the owner of the property for the outdoor seating area to be used by the applicant if the applicant or the city is not the owner of the property.
 - c. The applicant for an outdoor seating area shall provide the city with copies of the certificates of insurance for the required policies for each type of insurance naming the city as an additional, non-contributory insured party:
 - 1. Worker's compensation insurance in at least the required statutory limits;
 - 2. Comprehensive general liability insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least two million (\$2,000,000.00) dollars per occurrence, and two million (\$2,000,000.00) dollars for any single injury; and
 - 3. The required insurance policies shall each provide that they shall not be

changed or cancelled during the life of the licensee period or until thirty (30) days after written notice of such change has been delivered to the city.

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

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

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

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

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

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

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

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

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

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

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

e. Prohibited barrier styles.

1. Fabric inserts. Fabric inserts (whether natural or synthetic fabric) of any

size are not permitted to be used as part of a barrier.

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

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

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

- a. In order to allow adequate pedestrian traffic areas, federal and state accessibility requirements and emergency access around outdoor dining areas, the following dimensional requirements must be observed:

1. A space at least thirty-six (36) inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.
2. Location: Access openings should be placed in a location that will not create confusion for visually impaired pedestrians and as approved by the fire department.

- b. Design and placement of tables and chairs, as well as other equipment shall comply with applicable requirements of the Americans with Disabilities Act and the Illinois Accessibility Act.
- c. All applicable county health department sanitation requirements shall be followed for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special health department requirements.
- d. All public areas encompassed by the outdoor seating area shall be maintained in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
- e. Licensees are responsible for emptying the public trash containers placed by the city if they should become full prior to the next regular pickup time.
- f. Licensees shall see that the public areas encompassed by their outdoor seating area are clean at the end of each business day, so as not to have any food or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- g. No tables, umbrellas, enclosure fencing, or other equipment shall be attached or affixed to the sidewalk, parkway, poles or any other public facilities.
- h. Partitions, chairs, tables, lighting, serving stations and other amenities included in the outdoor seating area shall be approved by the city. The outdoor seating area shall be maintained in compliance with the approved site plan.
- i. An inspection of the outdoor seating area shall be made by the city prior to

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

- j. The arrangement and number of tables and chairs within the authorized boundaries of the outdoor seating area shall reflect the approved plan and shall not be substantially changed, altered, added to or reduced without the approval by the city during the annual permit period.
 - k. The licensee has an affirmative duty to prohibit any alcoholic liquor from leaving the permitted service area, except in a package properly sealed, bagged and receipted pursuant to section 6-25(e) of this code.
 - l. The licensee shall indemnify, defend, protect, and hold harmless the city, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in connection therewith, including but not limited to reasonable attorney's fees, expert witness fees and costs of defense (collectively, the "Losses") directly or proximately resulting from licensee's acts or omissions, except to the extent that the city is the sole legal cause of said losses. The foregoing notwithstanding, under no circumstances shall the issuance of any license provided for under the Aurora Municipal Code, including but not limited to a liquor license, to the licensee or any other person or entity constitute an act of negligence or willful misconduct. Nothing set forth in the said license shall be deemed a waiver by the city of any defenses or immunities relating to the licensee or its property, or to any person or entity or their property, that are or would be otherwise available to the city or its corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this section shall survive the expiration or earlier termination of each approved outdoor seating area, or the renewal thereof.
- (4) For new outdoor seating areas approved after March 28, 2017, the permit shall be valid for the same term as the liquor license. The holder of a permit shall re-apply on an annual basis in conjunction with the renewal of the annual liquor license. There is an initial application fee. Renewals will comprise of submission of the outdoor seating plan.
- (5) In the event that the local liquor control commissioner refuses to grant permission for an outdoor seating area, he shall place on file in his office the rejected application and a document setting forth the reasons for his refusal to grant the permit. Copies of the rejected application and the document setting forth the reasons for refusal shall also be served by certified mail upon the licensee at the address stated on the license application.
- (6) The rejected applicant may, within ten (10) days from the receipt of said notice of rejection, request a hearing before the local liquor control commissioner, at which time all interested parties shall be heard.
- (7) The licensee must comply with all other provisions of this Code.

(Code 1969, § 6-13; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O88-85, § 1, 8-2-88; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O92-120, § 1, 12-15-92; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O02-158, § 5, 12-10-02; Ord. No. O04-43, § 3, 4-27-04; Ord. No. O05-18, § 3, 2-22-05; Ord. No. O08-24, § 2, 3-25-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O17-014, § 3-28-17; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O19-060, (Exh. A), 9-10-19)

HISTORY

Amended by Ord. [O20-059](#) on 9/8/2020

Sec 6-14 Drive-Through And Delivery Service

- (a) No licensee under this chapter shall sell alcoholic liquor at a drive-through facility.
- (b) Alcoholic liquor delivered to any premises located in the city which does not hold a valid liquor license or grocery store pick-up is subject to the following restrictions:
 - (1) Alcoholic liquor must be delivered by an individual of at least twenty-one (21) years of age or older.
 - (2) Deliveries must not be between the hours of 11:00 p.m. and 9:00 a.m. on weekdays and 11:00 p.m. and 11:00 a.m. on Sundays.
 - (3) Payments may not be accepted nor orders placed at the delivery location.
 - (4) The express carrier, common carrier or contract carrier or agent of a liquor license holder that carries or transports alcoholic liquor into or within the city shall not deliver or leave such deliveries without requiring signature of an individual twenty-one (21) years of age or older.
 - (5) Adequate evidence of proof of age should be produced to the delivery agent in all instances of delivery.
 - (6) A record shall be kept by the express company, common carrier or contract carrier or agent of a liquor license holder who delivers alcoholic liquor into or within the city indicating the purchaser's name, address, driver's license/state identification number, time, date and place of delivery and the individual's deliverer's identity.

(Code 1969, § 6-14; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-15 Entertainment

- (a) Entertainment shall be allowed for all licenses that allow for consumption of alcoholic liquor on the premises.
- (b) Such entertainment shall conform to the following provisions:
 - (1) Entertainment shall be confined to a designated stage area that is separate from the audience or in a designated lounge area.
 - (2) Dancing by patrons and customers shall be allowed only in areas specifically designated for dancing.
 - (3) Entertainers at Class A—Tavern establishments shall be at least twenty-one (21) years of age.
 - (4) Entertainers may not solicit alcoholic beverages from customers or patrons of the establishment in which the entertainer is performing.
 - (5) Entertainment for purposes of this chapter may consist of live acts, such as vocal soloists or groups, instrumental soloists or groups or spoken word soloists or groups, disc jockeys, karaoke, and pay-per-view streamed events.
- (c) Admission may be charged to the lounge only, at the lounge entrance itself, and only when entertainment is provided. No cover charge, admission charge or other type of charge may be charged to enter the premises of a restaurant.

- (d) No licensee shall allow the sale, modeling or display of lingerie, swimwear or sexually explicit clothing on the licensed premises.
- (e) No licensee shall allow entertainment of a sexual nature, including, without limitation, mud wrestling or wrestling in any other medium or erotic, topless or nude dancers.
- (f) Licensee shall notify the local liquor control commissioner or his designee at least five (5) business days in advance of any entertainment, giving the name and nature of the entertainment and the timeframe in which the entertainment will take place at the licensee establishment.

(Code 1969, § 6-15; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O91-36, § 1, 5-21-91; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O02-158, § 6, 12-10-02; Ord. No. O03-145, § 1, 11-4-03; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-16 Sound Amplification

It shall be unlawful for any licensee to permit or allow any sound amplification outside the bounds of a structure or the licensed premises between the hours of 10:00 p.m. and 10:00 a.m. This shall include any outdoor areas of the licensed premises, including, but not limited to, volleyball courts, beer gardens, horseshoe pits, tennis courts and similar areas.

(Code 1969, § 6-16; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O88-72, § 1, 6-28-88; Ord. No. O02-158, § 7, 12-10-02; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-17 Control Of Parking And Adjacent Premises

- (a) No establishment, business, licensee or their agents shall allow any illegal drug use, illegal drug sale, or other criminal activity to occur on the licensed premises and adjacent premises.
- (b) Each licensee shall have the duty to maintain a peaceful and orderly business premises. This is referred to as the "Maintenance of Order Standard." This shall be accomplished by establishing and maintaining the optimum precautions and actions that are practical to deter and prevent fighting, including, without limitation, hiring extra security and routine training to servers and security personnel on deterring or preventing fights. The duty to prevent fighting shall be applicable both to precautionary and training matters and to the steps taken once fight breaks out or is in imminent danger of breaking out. In determining whether a violation of this section has occurred, the local liquor control commissioner may consider the following matters, among others:
 - (1) Prior incidents of reported or unreported fighting.
 - (2) Whether any fight participant was impaired and the extent to which the impairment occurred on the premises.
 - (3) Whether any participant was served by the licensee after the participant's impairment should have been evident to the licensee.
 - (4) Whether any participant was impaired and whether the licensee had an opportunity to effect that person's removal from the premises.
 - (5) The degree of expediency the licensee observed in calling the police when it should have been evident that a fight was imminent.
 - (6) The actions of the licensee in reacting to the fight.
 - (7) The extent and type of training given to the licensee's employees in such matters as recognizing impairment, over-serving and prevention of altercations.
 - (8) Whether minors were involved in fighting.

- (9) The sufficiency or number of persons on duty and employed by the licensee at the time of the fight.

After consideration of all of the circumstances, the local liquor control commissioner may make a determination of whether the maintenance of order standard was violated. If it is determined that a violation occurred, the commissioner may impose any penalty set forth in sections 6-30 and 6-31, up to and including license revocation.

- (c) The following procedure shall be observed by a licensee with respect to the outbreak or threatened outbreak of a fight:

(1) The licensee shall notify the police department immediately when the licensee knows or, in the exercise of ordinary judgment, should know that a fight is occurring or imminent.

(2) Within forty-eight (48) hours of the occurrence, the licensee shall file with the local liquor control commissioner a report containing the following information:

- a. The number of persons involved in the fight;
- b. The approximate amount of alcohol consumed on the premises by each person involved in the fight;
- c. What action, if any, was taken by the licensee to prevent the fight;
- d. What action, if any, was taken by licensee after the fight began;
- e. Licensee's corrective actions taken to address, deter and prevent future incidents, including, without limitation, names of any training courses provided and the name of any security company or individual officers contracted to provide assistance in deterring or preventing fights.

- (d) Failure by licensee to give immediate notification to the police department of a fight on the licensed premises or failure to file a report as required in subsection (c) of this section shall cause licensee to be subject to a fine as set forth in section 6-31 of this chapter and/or suspension or revocation of the liquor license. For purposes of this section, "immediate" shall mean at the very moment that a party threatens another, actually commences fighting with another or a breach of the peace is imminent.

- (e) In addition to the requirements of any parking ordinances, all licensed premises pursuant to this chapter that are located outside the downtown shall comply with the following:

(1) a. All license classifications which allow the consumption of alcoholic liquor on the premises shall provide at least one (1) off-street parking space per twenty (20) feet of building area (as defined by the current Building Code adopted by the City of Aurora) in the establishment or one (1) space per three (3) occupants based upon the maximum capacity established by the fire marshal, whichever is greater.

b. All license classifications which do not allow the consumption of alcoholic liquor on the premises shall provide at least one (1) off-street parking space for each three hundred (300) square feet of retail space in the establishment.

(2) a. Any licensed establishment with a parking area adjacent to a residence must provide adequate screening between the parking lot and the residence. Such screening shall be at least six (6) feet in height along the entire line between the residential lot and the parking lot.

b. The licensee shall keep the parking area clear of litter and debris and keep all

properties adjacent to the licensed premises clear of alcoholic liquor containers to the extent allowed by adjacent property owners.

- c. The licensee shall keep the sidewalk adjacent to the licensed premises clear of motor vehicles at all times. No parking shall be allowed in that area of the public right-of-way lying between the sidewalk and the curb.
- d. The licensee shall keep the adjacent premises and parking areas which are under its control free from loitering by individuals. Such areas shall be posted to prohibit loitering. No pay telephone shall be allowed in the adjacent areas or parking areas unless such pay telephones are programmed not to receive incoming telephone calls.
- e. All parking areas shall be lighted from dusk to closing time so that illumination is case adequately over the entire parking area for public safety and visibility. All lighting shall be arranged to reflect light away from adjoining property and public streets.

(Code 1969, § 6-17; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O90-114, § 3, 9-18-90; Ord. No. O91-36, § 2, 5-21-91; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O04-172, § 1, 12-21-04; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-18 Signs

In addition to the requirements of any sign ordinance, all signs on licensed premises and adjacent premises shall comply with the following:

- (a) The licensee shall establish or maintain on the licensed premises or adjacent premises an exterior sign which identifies the licensed premises and may identify the type of business.
- (b) Exterior signs on the premises of Class B—Fraternal Society or Club, Class F—Beer and Wine Restaurants and Class G—Package Beer and Wine licensed establishments must be limited to those which identify the establishment and readerboards which shall not advertise alcoholic beverages.

(Code 1969, § 6-18; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O88-71, Exh. A, 6-21-88; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-19 Change Of Location

A liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. However, such location may be changed only with submission of a new application along with required documentation.

(Code 1969, § 6-19; Ord. No. O85-5553, § 2, 9-2-86; Ord. No. O93-05, § 1, 1-5-93; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-20 Manager Or Officer

- (a) No liquor license shall operate without an approved manager. However, such manager may be changed provided the following criteria are met:
 - (1) That the proposed new manager is a person who is qualified or possesses the same qualifications required of the licensee, except that the manager shall not be required to be

a resident of the city.

- (2) That a written application be provided with information as required by the local liquor control commissioner. The applicant shall submit to a background check and shall provide the local liquor control commissioner with any documents necessary for said background check.
- (3) That written permission be given by the local liquor control commissioner authorizing such change in manager.

(b) Any establishment which has a change of officer (president, secretary, or treasurer) or if less than fifty (50) percent of a partnership changes, the licensee shall notify the local liquor control commissioner within ten (10) days of such change. Such change of officer or partner will be allowed provided the following criteria are met:

- (1) That the proposed new officer is a person who is qualified or possesses the same qualifications required of the licensee, except that said officer shall not be required to be a resident of the City of Aurora.
- (2) That a written application be provided with information as required by the local liquor control commissioner. The applicant shall submit to a background check and shall provide the local liquor control commissioner with any documents necessary for said background check.
- (3) That written permission be given by the local liquor control commissioner authorizing such change in officer or partner.

(c) All license classifications which allow the consumption of alcoholic liquor on the premises shall, at all times, have on duty a designated person in charge of the establishment who has completed successfully an application and background check with the local liquor control commissioner prior to begin such duties.

(Code 1969, § 6-20; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5677, § 1, 1-17-87; Ord. No. O88-71, Exh. A, 6-21-88; Ord. No. O93-05, § 1, 1-5-93; Ord. No. O94-091, § 1, 9-6-94; Ord. No. O02-158, § 8, 12-10-02; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O18-003, 1-23-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-21 Sanitary Conditions

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinances regulating the condition of the premises used for the storage or sale of food for human consumption. The licensee shall comply with all applicable building, property maintenance, fire and health codes of the state, the city and the county in which it is located.

(Code 1969, § 6-21; Ord. No. O86-5553, § 2, 9-2-96; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O02-158, § 9, 12-10-02; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-22 Employees

(a) No licensee or his representative, agent or employee shall employ or permit any person under the age of twenty-one (21) years to act as his agent, barkeeper, clerk, servant, employee or entertainer in or about any premises offering alcoholic beverages for sale, except as provided hereinafter.

(b) This subsection shall not apply to those employees of a licensee whose business is not predominantly the sale of alcoholic liquor such as restaurants, clubs, hotels, bowling alleys,

grocery stores, drugstores, and the like; provided the employee meets the following requirements:

- (1) That said employee is otherwise qualified by law for such employment;
 - (2) That said employee is at least eighteen (18) years of age;
 - (3) That said employee's duties are not solely related to or connected with the sale or dispensing of alcoholic beverages;
 - (4) That authorization for the sale or dispensing of alcoholic beverages is performed by an employee over the age of twenty-one (21) years prior to the sale or dispensing occurs;
 - (5) That said employee is not employed at a Class A—Tavern or in a lounge unless his duties are totally unrelated to the sale or dispensing of alcoholic beverages and his duties do not require him to be present in that area set aside for the consumption of alcoholic liquor.
- (c) Any person employed by any licensee to serve in the capacity of manager, bartender or barkeeper shall possess the same qualifications required of the licensee.
- (d) All employees on the premises used for the retail sale of alcoholic liquor shall comply with the provisions of any ordinances of the city relative to food establishments with regard to the health of employees and patrons of the establishment.
- (e) It shall be unlawful to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infectious disease, and it shall be unlawful for any person who is afflicted or a carrier of any such disease to work in or about any premises, or be engaged in any way in handling, preparation or distribution of such liquor.
- (f) No person may be employed by any liquor licensee if that person has been convicted of a felony within the past five (5) years.
- (g) All employees whose job involves food preparation or the serving of food or beverages shall wear a uniform or appropriate attire which excludes lingerie, swimwear or sexually explicit clothing.

(Code 1969, § 6-22; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O02-158, § 10, 12-10-02; Ord. No. O08-015, § 1, 11-4-08; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-23 Alcohol Sellers And Servers Training Requirements

- (a) Effective May 1, 2010, all new applications shall be accompanied by proof of completion of a state-certified beverage alcohol sellers and service education and training program for all persons who serve or sell alcoholic beverages pursuant to that license.
- (b) All licensees submitting renewal applications for the term May 1, 2010, through April 30, 2012, must, within ninety (90) days, submit proof of completion of a state-certified beverage alcohol sellers and service education and training program for all persons who serve or sell alcoholic beverages pursuant to that license. All renewal applications for terms thereafter shall be accompanied by said proof of state-certified training for all required employees.
- (c) New employees or managers of a licensee, who are required to complete said training shall, within ninety (90) days from the beginning of their employment with that licensee, complete the state-certified beverage alcohol sellers and service education and training program and shall, until completion of said program, work under the supervision of a person who has completed said program.

- (d) A photocopy of evidence of completion of a state-certified beverage alcohol sellers and service education and training program must be filed with the city clerk within twenty-one (21) days of completion of said program.
- (e) Employees or managers of the licensee who have completed a state-certified beverage alcohol sellers and service education and training program shall maintain evidence of completion of said program on the premises of the licensee or on their person while on the premises of the licensee.

(Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-003, 1-23-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-24 Possession And Consumption Of Alcoholic Liquor In Public Place

- (a) No person shall consume any alcoholic liquor in any public location or place, including, without limitations, retail store locations, within the city except on the premises licensed for the retail sale and consumption of alcoholic liquors except as hereinafter provided. For purposes of this section, the prohibition applies to all possession or consumption of alcohol, regardless of whether the alcohol consumed was sold on premises or was provided by someone other than the owner or lessee of the premises.
- (b) This section shall not apply to any public fair, picnic or similar assembly if approved by the local liquor control commissioner. Such alcoholic beverages shall be dispensed and consumed in containers other than glass or metal and adequate waste receptacles shall be provided for the resulting refuse.
- (c) No person shall sell at retail for consumption on the premises any nonalcoholic beverage or ice knowing the same to be intended to be mixed with any alcoholic liquor, except upon the premises licensed for retail sale of alcoholic liquor for consumption on the premises.
- (d) No person shall sell, consume, or possess any alcoholic liquor in any place that is operating as a pool hall or arcade unless such premises are licensed for the retail sale and consumption of alcoholic liquors as provided in this section.
- (e) No person shall possess alcoholic liquor in any public place within the city except in the original package and with the seal unbroken.

(Code 1969, § 6-23; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O88-71, Exh. A, 6-21-88; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-25 Carrying Of Alcoholic Liquor From The Premises

- (a) It shall be unlawful for any person to carry any alcoholic liquor in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.
- (b) No licensee or employee of a licensee under this article shall permit any patron to violate this section nor continue to sell alcoholic liquors to any person knowing that such person intends to carry the alcoholic liquor from the licensed premises in an open or unsealed container.
- (c) It shall be unlawful for any licensee, owner, manager, bartender or any employee of said licensee to allow any patron to leave the licensed premises with open liquor.
- (d) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any passenger area of a motor vehicle in the city except in the original package and with the seal unbroken.
- (e) Notwithstanding any other provision of this section, Class E—Restaurant and Class F—Beer and Wine Restaurant liquor licensees may permit a patron to remove one (1) unsealed and partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a

meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

- (f) This section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home, as defined herein. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this section.

(Code 1969, § 6-24; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-26 Sale/Transportation In Original Package

It shall be unlawful for any person holding a license to fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor.

(Code 1969, § 6-25; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-27 Prohibited Products

- (a) It shall be unlawful for any person holding a liquor license to sell at retail for consumption off the premises where sold, any single can, bottle or other container holding beer or wine that contains sixteen (16) fluid ounces/four hundred seventy-five (475) milliliters or less which is refrigerated or displayed in ice.
- (b) It shall be unlawful for any person holding a liquor license to sell at retail any single container holding less than seven hundred fifty (750) milliliters of wine where alcohol content determined by volume exceeds thirteen (13) percent.
- (c) It shall be unlawful for any person holding a liquor license to sell at retail any alcoholic liquor where alcohol content determined by volume exceeds seventy-six (76) percent.
- (d) It shall be unlawful for any person holding a liquor license to sell at retail any single can, bottle or other container holding malt liquor that contains more than twenty-four (24) fluid ounces.
- (e) It shall be unlawful for any person holding a liquor license to sell or give away items of drug paraphernalia, as defined in section 29-302 of this Code.
- (f) It shall be unlawful for any person holding a liquor license to sell products used to roll tobacco into cigarettes, commonly referred to as rolling papers or cigarette papers.
- (g) It shall be unlawful for any person holding a liquor license to sell or give away, for use off the premises, individual paper, plastic or other disposable-type beverage cups.
- (h) It shall be unlawful for any person holding a liquor license to display for sale any adult magazine, book, poster, or electronic media in such a manner that it can be viewed by those under the age of eighteen (18).

(Code 1969, § 6-26; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-28 Hours Of Operation

- (a) (1) The licensee may sell or permit to be sold for consumption on the licensed premises, alcoholic liquors only between the following hours, unless otherwise provided:

Day	Hours
Monday through Thursday:	6:00 a.m. to 1:00 a.m. the following day
Friday and Saturday:	6:00 a.m. to 2:00 a.m. the following day
Sunday:	12:00 noon to 1:00 a.m. the following day
The days before:	
Thanksgiving Day	6:00 a.m. to 2:00 a.m.
New Year's Day	the following day

- (2) Licensees holding Class A—Tavern, Class C—Package Liquor or Class G—Package Beer and Wine Liquor Licenses may sell or permit to be sold for consumption off the premises, alcoholic liquor only between the following hours:

Day	Hours
Monday through Thursday	6:00 a.m. to 11:00 p.m.
Friday and Saturday	6:00 a.m. to 1:00 a.m. the following day
Sunday	9:00 a.m. to 12:00 midnight

- (3) Provided, however, that licensees located in the River Edge Redevelopment Plus Zone shall only sell or permit to be sold alcoholic liquor, beer and wine beginning at 9:00 a.m. Sunday through Friday, and beginning at 7:00 a.m. on Saturday.
- (4) Due to the primarily entertainment and exclusive nature of this use, the Class L licensee may sell or permit to be sold or consumed on or in its licensed premises, alcoholic liquor beginning in no event earlier than 6:00 a.m. and ending in no event later than 2:00 a.m.; however, alcohol may not be sold or consumed prior to noon on Sundays except in conjunction with a meal.

- (b) (1) *New Year's Day*. Any license, classifications which allow for the consumption of alcoholic liquor on the premises may remain open until 2:00 a.m. on New Year's Day. Furthermore, any such establishment may request to sell alcoholic liquor between 2:00 a.m. and 4:00 a.m. on New Year's Day; provided that such request shall be subject to the following requirements:

- a. A written request shall be submitted to the local liquor control commissioner on or before December 15 prior to the date for which permission is sought.
- b. The fee for said time extension shall be fifty dollars (\$50.00) and shall be submitted with the application.
- c. The licensee shall close and secure the doors at 2:00 a.m. so as not to allow any customers to enter the premises after that hour.

- d. Such extension shall not be issued to those locations in the residential areas listed under subsection 6-13(c).
- e. The local liquor control commissioner may deny such request from any establishment that has had its liquor license suspended within the past year or for any establishment that currently owes the city money or has been found to be in violation of any city codes within the past twelve (12) months. Establishments with active alcohol-related public nuisance abatement plans will not be eligible for the extension of hours.

(2) *Brunch hours.* Licensees holding Class B—Fraternal Society or Club, Class E—Restaurant, Class H—Golf Course/Clubhouse, and Class J—Hotel (Full Service) Liquor Licenses may, in addition to the above-stated hours, sell or permit to be sold alcoholic liquor for consumption on the premises, provided said sale is in conjunction with service of a meal, on Sundays between 10:00 a.m. and 12:00 noon.

- (c) No person, except peace officers in the performance of law enforcement duties, the licensee and his employees or agents actually working, shall be present in a licensed premises between the hour of closing and the hour of opening as established in this section; provided, that if the license is issued for a business which is not predominantly for the sale of alcoholic liquor, such as hotels, bowling alleys, restaurants, clubs or retail stores, such licensee may keep his place of business open, subject only to the provisions that no sale or consumption by persons shall be permitted on the premises during the hours prohibited.

(Code 1969, § 6-27; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O93-05, § 1, 1-5-93; Ord. No. O93-45, § 1, 6-1-93; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O96-132, § 1, 12-10-96; Ord. No. O02-158, § 11, 12-10-02; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-29 Underaged/Intoxicated Persons

- (a) No person engaged in the retail sale of alcoholic liquor, or any other person, shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21).
- (b) No person engaged in the retail sale of alcoholic liquor, or any other person, shall sell, give or deliver alcoholic liquor to any intoxicated person or to any persons known by him to be a habitual drunkard or an incompetent, nor shall any such person be permitted on the premises.
- (c) No person under the age of twenty-one (21) years of age shall misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor in any place within the City of Aurora where liquor is sold or dispensed.
- (d) No person shall give, sell or deliver any alcoholic liquor to any person under the age of twenty-one (21) years, directly or indirectly.
- (e) The possession or dispensing or consumption of alcoholic liquor by a minor in the performance of a religious service or ceremony is not prohibited by this section.
- (f) No person under the age of twenty-one (21) years shall purchase or obtain alcoholic liquor, directly or indirectly. Nor shall such person possess or consume alcoholic liquor.
- (g) It shall be unlawful for any owner, lessee or other legal occupant of residential property to allow alcoholic beverages to be served at a gathering of two (2) or more persons at said residence where one or more of said persons is under twenty-one (21) years of age and such underaged person is in possession of or consuming any alcoholic beverage.
- (h) Violation of this section is a Misdemeanor II.

(Code 1969, § 6-28; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-30 Burden Of Proof; Hearing Procedures; Remedies

(a) Burden of proof.

At a hearing regarding a violation of the code before the local liquor control commissioner or the administrative hearings officer, the city shall have the initial burden of proof to show, by a preponderance of evidence, that the liquor licensed establishment has violated a section of the code. However, at a hearing regarding the denial of a liquor license before the local liquor control commissioner or the administrative hearings officer, the applicant shall have the initial burden of proof to show, by clear and convincing evidence that the applicant is suitable for licensing and meets the economic development goals for the location.

(b) Hearing procedure.

- (1) When the local liquor control commissioner finds a violation, he shall provide written notice of the violation indicating the name and address of the license holder, the type and nature of the violation, and the date the violation was observed. Said notice shall be sent in accordance with section 6-31.
- (2) All such hearings shall be open to the public and an official record shall be made by a certified court reporter in attendance.
- (3) Subpoenas. At any time prior to the hearing date, the administrative hearings officer, at the request of the local liquor control commissioner or attorney for the city, or the license holder or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing.
- (4) Default. If on the date set for the hearing the license holder or his attorney fails to appear, the administrative hearing officer may find the license holder in default and shall proceed with the hearing and accept evidence relevant to the existence of a liquor code violation.
- (5) Continuances and representation at hearings. No continuances shall be authorized by the hearing officer in proceedings under this article except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this article shall not exceed twenty-five (25) days. The case for the city may be presented by an attorney designated by the city. However, in no event shall the case for the city be presented by the local liquor control commissioner. The case for the license holder may be presented by the owner, his attorney, or any other agent or representative.
- (6) Evidence at hearing. At the hearing, a hearing officer shall preside and shall hear testimony and accept any evidence relevant to the existence or nonexistence of a code violation on the property indicated. In all hearings pursuant to this section, the evidence presented shall be reduced to writing and an official record of the proceedings maintained. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this article.
 - a. The hearing officer shall consider if the owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:
 1. The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed; provided, however, that if the code violation alleged in the notice has been charged to the license holder on the same property any time within the preceding

twelve (12) months, then it shall not be a defense if at the time of hearing the violation has been remedied or removed.

2. The code violation has been caused by the patrons of the licensed establishment and that in spite of reasonable attempts by the license holder to maintain the establishment free of such violations, the patrons caused the violations.

(7) Findings, decision, and order. At the conclusion of the hearing, the hearing officer shall make a recommendation to the local liquor control commissioner on the basis of the evidence presented at the hearing, whether or not a violation exists. The recommendation to the local liquor control commissioner shall be in writing and may be incorporated into the local liquor control commissioner's findings, decision and order. The findings, decision and order shall include findings of fact, a decision whether or not a violation exists based upon the finding of fact, and an order for abatement of the nuisance activity or sanctioning the license holder, as specified in [subsection (b)(9)] below, or dismissing the case in the event a violation is not proved.

- a. A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten (10) business days. Service shall be in the same manner as specified in section 6-31.
- b. Payment of any penalty or fine shall be made to the city finance department.
- c. In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine whether there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.

(8) If the local liquor control commissioner makes a finding that a property was, or is, in violation of this chapter, he may impose any or all of the following remedies:

- a. Fine the license holder per 6-3(b)(3) for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The local liquor control commissioner may, at his discretion, impose such a fine for each day the nuisance activity goes unabated. No licensee shall be found in violation of this section unless the city proves by a preponderance of the evidence that licensee failed to take reasonable and warranted measures to prevent the violation. In establishing the amount of any fine, the hearing officer may consider any of the following factors:
 1. The actions taken by the licensee or his/her agent to mitigate or correct the activities at the licensed premise.
 2. The repeated or continuous nature of the problem.
 3. The magnitude or gravity of the problem.
 4. How cooperative the owner is with the city.
 5. The cost to the city of investigating, correcting, or attempting to correct the violation.
 6. Any other factor deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.

- i. Order the owner to take reasonable, timely and lawful measures to abate the nuisance activity or violation, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one (1) year. Abatement plans will follow the terms set forth in section 6-33(a)(2).
- ii. Suspend/revoke the license for the establishment involved in the activity. The local liquor control commissioner may order that said establishment be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. If the hearing officer suspends or revokes the license, the owner of the establishment shall receive written notice from the local liquor control commissioner that the liquor license is suspended or revoked, as the case may be. The suspension or revocation of the liquor license shall not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.
- iii. The local liquor control commissioner may, upon the issuance of a written order and without a hearing, suspend a license based upon written notice from the Illinois Liquor Control Commission that a licensee's state liquor license has been revoked. Revocation of a license due to the revocation of a state liquor license may only take place after notice and a hearing in accordance with the procedures set forth in subsection (a) above.

(c) Appeal from the decision and order of the local liquor control commissioner rendered pursuant to this section shall lie with the state liquor control commission and shall be on the record, and not de novo.

(Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Editor's note— Ord. No. O18-119, § 1(Exh. A), adopted December 19, 2018, amended § 6-30 in its entirety to read as herein set out. Former § 6-30, pertained to fine, suspension or revocation of licensees, and derived from Code 1969, § 6-29; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O02-158, § 12, 12-10-02; Ord. No. O10-030, § 1, 6-8-10.

Sec 6-31 Notices And Service Of Process

- (a) Subject to the provisions of subsection (c), any notice, order of other process entered or issued by the commissioner pursuant to this chapter may be served on a license holder or applicant by certified mail addressed to the licensee or applicant at the location of the licensed premises or the mailing address contained in the license application. Service shall be complete on the fourth day following mailing and may be proven in any manner allowed by law.
- (b) If the local liquor commissioner sends such notice, the notice shall contain the following information:
 - (1) The street address of the establishment or a legal description sufficient for identification of the establishment.

- (2) A statement that the matter is being referred to corporation counsel to be brought before an administrative hearing officer, as defined in section 6-31 of this Code, for a hearing.
 - (3) If the person in charge notifies the local liquor control commissioner within three (3) days of receipt of the notice and agrees to abate the nuisance within ten (10) days, or take other agreed upon, timely, and warranted measures, the local liquor control commissioner, at his discretion, postpone referring the matter to corporation counsel.
 - (4) Service of notice shall be made either personally or by first-class mail, postage prepaid, addressed to the person in charge at the address of the nuisance property, or such other place which is likely to give the person in charge notice of the determination of the local liquor control commissioner.
 - (5) The failure of any person to receive notice, as provided above, shall not invalidate or otherwise affect the proceedings under this chapter.
- (c) Citations alleging a violation of this chapter and orders entered by the local liquor control commissioner which are appealable to the Illinois Liquor Control Commission shall be served on a licensee or applicant in the manner permitted under section 10-25 of the Illinois Administrative Procedure Act (5 ILCS 100/10-25).
- (d) In addition to the persons designated by law, service upon a resident manager or other person in charge of the licensed premises at the time service is made, shall constitute effective service on the licensee.

(Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Editor's note— Ord. No. O18-119, § 1(Exh. A), adopted December 19, 2018, amended § 6-31 in its entirety to read as herein set out. Former § 6-31, pertained to penalties, and derived from Code 1969, § 6-30; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O08-105, § 1, 11-4-08; Ord. No. O10-030, § 1, 6-8-10.

Sec 6-32 Transition

- (a) Any liquor license in effect September 2, 1986, and which is in a location which would not qualify for an issuance of a liquor license under this chapter shall be renewed yearly so long as the license remains in force.
- (b) Any liquor license in effect September 2, 1986, and which is held by a business whose primary purpose is other than the sale of alcoholic liquor and would not qualify for an issuance of a liquor license under this chapter shall be renewed yearly so long as the license is issued to the current owners. Any sale, transfer, or assignment of more than fifty (50) percent of the ownership of a business shall terminate said license. In the event that such license is held in the name of a corporation, the sale, transfer or assignment of fifty (50) percent of the stock shall, in like manner, terminate such license unless otherwise provided.

(Code 1969, § 6-32(c), (d); Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-33 Nuisance Prohibition

- (a) *Alcohol related public nuisance.* No licensee shall allow its licensed establishment to become a nuisance or to be operated in a manner to constitute a public nuisance. It is a public nuisance for patrons, invitees or employees of a licensed premise to engage in a pattern of nuisance activity as defined in this chapter. All notices shall be subject to the provisions in section 6-31.

(1) *Exclusions.* Alcohol-related public nuisance shall exclude the same pursuant to section 29-127.5 of the city code.

(2) *Procedure.*

a. When the local liquor commissioner receives notice of one (1) or more occurrences of alcohol-related public nuisance activity attributable to an alcoholic liquor establishment, then the local liquor control commissioner may at his discretion, do one of the following:

1. Notify the licensee that the establishment is in danger of becoming an alcohol related public nuisance. If the local liquor control commissioner sends such notice, shall include the following:

i. A statement that the city has information that the establishment may be an alcohol related public nuisance along with a concise description of the nuisance activities that exist or have occurred. The local liquor control commissioner shall offer the licensee an opportunity to propose a course of action that will abate the alcohol related public nuisance activities giving rise to the violation.

ii. Demand that the licensee respond to the local liquor control commissioner within ten (10) business days to discuss the alcohol related public nuisance activities.

2. Issue a violation notice to the liquor license holder.

b. When the local liquor control commissioner receives documentation of the occurrence of additional alcohol related public nuisance activity at the same establishment after notice has been given within the previous twelve (12) months, as specified in section 6-33(a)(2)(a), the local liquor control commissioner, at his discretion, may do one or both of the following:

1. Notify the owner, in writing, that the property has been determined to be an alcohol related public nuisance property;

2. Issue a violation notice to the liquor license holder.

(3) *Options of holder upon violation notice; hearing.*

1. The holder of the license of the alcoholic liquor establishment cited in a violation notice shall respond to the violation notice in one of the following manners:

i. If a pattern of alcohol-related public nuisance activity has not been previously found to have existed attributable to the alcoholic liquor establishment, the holder of the license of the alcoholic liquor establishment may notify the local liquor control commissioner, in writing, that the alcoholic liquor establishment agrees to institute a nuisance abatement plan that meets the requirements of this division by the deadline stated on the violation notice which, upon implementation of the approved plan, shall operate as the final disposition of the violation notice; or

ii. By attending the hearing on the merits of the violation notice at the time and date specified on the violation notice or at which hearing the holder of the license of the alcoholic liquor establishment cited in a violation notice shall have the opportunity to contest the merits of the alleged violation.

2. Hearings shall be held in accordance to section 6-30.

(4) *Determination of liability.*

- a. A final determination that an alcoholic liquor establishment is a public nuisance or is being operated in a manner to constitute a public nuisance shall occur following:
 1. The failure by a person served with a violation notice to attend the hearing to contest the alleged violation in the time and manner specified in the violation notice and the local liquor control commissioner's determination of liability; or
 2. The local liquor control commissioner's determination of liability following a hearing.
- b. Upon a final determination that an alcoholic liquor establishment is a public nuisance or is being operated in a manner to constitute a public nuisance, the local liquor control commissioner may require the alcoholic liquor establishment to institute a nuisance abatement plan, may enter a fine, may suspend the alcoholic liquor establishment's license, or any combination thereof.
- c. If an alcoholic liquor establishment fails to implement or fails to comply with the requirements of a nuisance abatement plan after having agreed or having been ordered to implement a nuisance abatement plan, the local liquor control commissioner may, in addition to any other authorized sanction, revoke the alcoholic liquor establishment's license.
- d. Upon a final determination that an alcoholic liquor establishment is a public nuisance or is being operated in a manner to constitute a public nuisance after the implementation of a nuisance abatement plan or the failure to implement a nuisance abatement plan after having agreed or having been ordered to do so, the local liquor control commissioner may, in addition to any other authorized sanction, revoke the alcoholic liquor establishment's license.

(5) *Abatement plan.* A nuisance abatement plan for an alcoholic liquor establishment shall, at a minimum, meet the following requirements:

- a. An exterior and interior safety plan approved by the police chief or his/her designee or the local liquor control commissioner designed to prevent:
 1. Excessive noise by patrons, invitees or employees entering or exiting the alcoholic liquor establishment;
 2. Loitering or littering by patrons, invitees or employees of the alcoholic liquor establishment; and
 3. Fighting or other criminal activity by patrons, invitees or employees of the alcoholic liquor establishment.
- b. An exterior lighting and video monitoring plan approved by the police chief or his/her designee or the local liquor control commissioner to include:
 1. Video surveillance cameras (minimum 720p resolution) installed at each building exit utilized by the general public deployed in such a manner so as to identify persons entering or exiting the alcoholic liquor establishment from dusk to closing time;
 2. Digital or tape recording equipment which captures the images recorded by

the video surveillance cameras and a system by which the images are retained for a minimum for fourteen (14) days. The plan shall include a requirement that the images shall be made available to any law enforcement officer requesting the images pursuant to an official investigation;

3. Adequate exterior lighting to enable the video surveillance cameras to record clear images of persons entering or exiting the alcoholic liquor establishment from dusk until closing time; and
 4. The employment of adequately trained security personnel to monitor the behavior of persons entering or exiting the alcoholic liquor establishment from dusk to closing time.
- c. An interior plan restricting the access to alcohol by the police chief or his/her designee or the local liquor control commissioner to include:
1. Restricting access of alcoholic liquor sales and storage by physical barrier that is separate from the sale and storage of other merchandise offered for retail sale at the licensed premises; or
 2. Relocation of alcohol liquor sales and storage to a different location of the store/establishment to prevent theft or other types of crime.

An establishment will be seen as no longer being an alcohol-related public nuisance upon determination by the local liquor control commissioner that no additional incidents have occurred and the establishment has followed through with all recommendations and shall be reviewed no later than twelve (12) months after its creation.

(b) Reserved.

(Ord. No. O93-62, § 2, 8-3-93; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O15-053, 8-25-15; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

HISTORY

Amended by Ord. [O20-053 Sec. 6-33 \(b\) repealed in its entirety](#) on 8/25/2020

Sec 6-34 Prohibited Conduct

- (a) It shall be unlawful for any licensee to allow or permit any lewdness or soliciting for prostitution on the licensed premises.
- (b) The following kinds of conduct are prohibited:
 - (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts.
 - (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
 - (3) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals.
 - (4) The permitting, by a licensee, of any person to remain in or upon the licensed premises who exposes to public view his or her entire breasts or genitals, vulva or anus.
 - (5) The displaying of moving pictures, photographs, photographic slide presentations or

computerized presentations depicting acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act.

- (6) Erotic dancing when such dancing is not confined to the stage area and is performed for individuals or small groups of patrons. Additionally, there shall be no physical contact permitted between the performers and the viewing public.

(Ord. No. O93-76, § 1, 9-21-93; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O02-158, § 13, 12-10-02; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

ARTICLE 6-II LOCAL LIQUOR CONTROL HEARING OFFICER

Sec 6-35 Creation And Purpose

Sec 6-36 Hearing Officer

Sec 6-37 Powers And Duties

Sec 6-35 Creation And Purpose

Up to two (2) local liquor control hearing officers ("hearing officer") are hereby created for the purpose of assisting the local liquor control commissioner ("liquor commissioner") in the exercise of the powers and the performance of the duties assigned to him, under state law, as the local liquor commissioner.

(Ord. No. O14-021, § 2, 5-13-14; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-36 Hearing Officer

All liquor control hearing officers shall be appointed by the liquor commissioner and confirmed by the city council. A hearing officer shall not have any ownership interest in, or be employed by, any licensed establishment, nor have a spouse, parent, sibling, or child that has, or acquires any ownership interest in, or is employed by, any licensed establishment.

(Ord. No. O14-021, § 2, 5-13-14; Ord. No. O18-119, § 1(Exh. A), 12-19-18)

Sec 6-37 Powers And Duties

The powers and duties of a liquor control hearing officer shall be those assigned by the liquor commissioner and may include, without limitation:

- (a) To conduct hearings at the request of the corporation counsel and/or the liquor commissioner and to submit findings and recommendations to the liquor commissioner setting forth his conclusions respecting the existence and nature of any violation of this chapter. If the liquor commissioner chooses to vary from the recommendation of a liquor control hearing officer, he will provide his reasoning to him. Each hearing officer shall receive a copy of all final decisions of the liquor commissioner.
- (b) To create a written record of his meetings and proceedings which shall be open to the public in accordance with the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq., provided that such records shall not include matters concerning the applicants or licensees which could result in an invasion of privacy. All such records shall be forwarded to the city clerk within thirty (30) days of approval and kept by the city clerk.
- (c) To assist the liquor commissioner in the performance of his powers and duties as requested by the liquor commissioner.
- (d) As compensation for said duties, a hearing officer shall be paid seventy-five dollars (\$75.00) for hearings that are of a duration of up to ninety (90) minutes, and one hundred fifty dollars (\$150.00) total compensation for hearings in excess of ninety (90) minutes duration.

(Ord. No. O14-021, § 2, 5-13-14; Ord. No. O18-119, § 1(Exh. A), 12-19-18)