

# Exhibit A

## Chapter 6 - ALCOHOLIC LIQUOR<sup>[1]</sup>

Footnotes:

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**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.

### ARTICLE I. - IN GENERAL

#### Sec. 6-1. - Title.

This chapter shall be known, cited and referred to as "The Aurora Liquor Control Ordinance."

(Code 1969, § 6-1; Ord. No. O86-5553, § 2, 9-2-86)

#### Sec. 6-2. - Definitions.

*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 51% of the total sales, excluding the sale of liquor, used, kept, maintained, advertised and held out to the public primarily as a place where meals are served, and where meals are actually and regularly 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.~~

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#### 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 fifty dollar (\$50.00) 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. For purposes of this section, a licensee is still required to provide a copy of a multi-year lease even if said lease is same as one provided with initial application.
  - (2) Copy of the current dram shop insurance (liquor liability insurance) 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.
- (8) Current list of names, dates of births and addresses of officers and members (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.

- (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.

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Sec. 6-8. - Classification of licenses.

(3) *Class C—Package liquor license.*

- a. 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.
- b. Samples of alcoholic beverages may from time to time be served on said premises. c. 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.
- d. No establishments which sell gasoline may be issued a Class C liquor license.
- e. Licenses in effect upon the passage of this article whose primary purpose is other than the sale of alcoholic liquor and which do not meet the requirements of this section may only be renewed by the current licensee. Upon a change of ownership, a new license may only be issued as a Class G—Package Beer and Wine license.
- f. Video gaming on the premises is not permitted.
- g. The annual fee for a Class C license shall be one thousand eight hundred fifteen dollars (\$1,815.00).

(4) *Class D—Auditorium/Theatrical-arts facility license/Arts and entertainment studio.*

a. *Class D-1—Metropolitan exposition and auditorium license.*

1. Authorizes the licensee to sell to the general public alcoholic liquor by the drink for consumption on the premises where sold at scheduled performances or events.
2. Authorizes the licensee to sell to the general public alcoholic liquor by the drink, for consumption off the premises, when participating in a city-sponsored event and with the approval of the liquor control commissioner.
3. The license shall only be available for premises owned by a metropolitan exposition and auditorium authority or special district.

4. Video gaming on the premises is not permitted.

45. The annual fee for a Class D-1 license shall be one thousand eight hundred fifteen dollars (\$1,815.00).

b. *Class D-2—Theatrical-arts facility license.*

1. Authorizes the licensee to sell to the general public alcoholic liquor by the drink for consumption on the premises where sold at scheduled performances, workshops, or events.
2. The license shall only be available for premises defined as a "theatrical-arts facility" that have a minimum seating capacity of one hundred fifty (150) seats on the same floor.

3. Video gaming on the premises is not permitted for any new premises licensed after March 31, 2018.

3.4. The annual fee for a Class D-2 license shall be one thousand eight hundred fifteen dollars (\$1,815.00).

c. *Class D-3 – Arts and entertainment studio license.*

1. Authorizes the licensee to sell to the general public beer and wine for consumption on the premises while the patron(s) are participating in or attending an arts, crafts, or art and culture related events or performances that are offered by the licensee.
2. The license shall only be available for premises of an art, culture 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.

3. Video gaming on the premises is not permitted.

34. The annual fee for a Class D-2 license shall be one thousand eight hundred fifteen dollars (\$1,815.00).

(5) *Class E—Restaurant license.*

a. *Class E—Full menu restaurant license.*

1. Authorizes the licensee to sell to the general public alcoholic liquor by the drink for consumption on the premises where sold, and not for resale in any form, provided that such sales shall be only in conjunction with the sale of food for consumption on the premises.
2. Authorizes the licensee to sell to the general public alcoholic liquor by the drink, for consumption off the premises, when participating in a city-sponsored event and with the approval of the liquor control commissioner.

3. 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.
4. A cook or chef shall be employed at all times that the establishment is open for business. The primary duties of said cook or chef shall not include bartending or the serving of alcoholic liquor.
5. Authorizes the licensee to sell to the general public alcoholic liquor in original packages only for consumption at a private party when the food for said party is catered by the licensee.
6. The 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, non-inclusive of the seating around a bar used for alcoholic liquor consumption, except as provided in this subsection, with tables or booths occupying at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business. In a shopping center, as defined above, a new license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of seventy-five (75) seats on the same floor or level, non-inclusive of the seating around a bar used for alcoholic liquor consumption, with tables and booths occupying at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business. In the downtown, the license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of forty-eight (48) seats on the same floor or level, non-inclusive of the seating around a bar used for alcoholic liquor consumption, so long as such tables or booths shall occupy at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business.
7. If the restaurant has a lounge, it shall be unlawful for any person under the age of twenty-one (21) years to be present in said lounge.
8. The total lounge area of a restaurant may only encompass an area of up to a total of twenty-five (25) percent of the seating area of the restaurant. The lounge area shall be comprised of the bar area(s) and any entertainment area(s) within the establishment. In the downtown, dining tables and chairs must be placed within five (5) feet of exterior windows and doors visible to pedestrians on the sidewalk adjacent to the property to screen dancing and lounge activity.
9. A restaurant and the lounge of a restaurant may only remain open while the cook or chef is working on the premises in his or her primary capacity and the kitchen is open for service of a full menu. The lounge must close when the kitchen or restaurant closes, whichever occurs first.
10. No difference in pricing may be assessed for food and beverage items between the restaurant and the lounge.

b. *Class E-1—Limited menu restaurant license.*

1. All of the requirements for full menu license apply, provided however, that 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, a limited menu of five (5) hot food items from the full menu, at least two (2) of which must be a hot sandwich plate or similar, shall be served.
2. A certified food preparer must prepare all limited menu items on premises, be present at all times during the sale of alcoholic liquor, and while a lounge on the premises is open.

3. The annual fee for any Class E license shall be two thousand seventy dollars (\$2,070.00).

(6) *Class F—Beer and wine restaurant licenses.*

a. *Class F—Beer and wine restaurant license.*

1. Authorizes the licensee to sell to the general public beer and wine by the drink for consumption on the premises; provided that such sales shall be in conjunction with the sale of food for consumption on the premises.
2. The license shall only be available for premises defined as a restaurant herein that has a minimum seating capacity of seventy-five (75) seats on the same floor, except as provided in this subsection. In the downtown and in shopping centers, as defined herein, 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 so long as such tables or booths shall occupy at least fifty percent (50) of the public area of the licensed premises at all times of operation of the business.
3. All liquor service shall be at tables or booths. No bar or lounge shall be available for customer use.
4. A cook or chef shall be employed at all times that the establishment is open for business. The primary duties of said cook or chef shall not include the serving of alcoholic liquor.
5. Service of alcoholic liquor shall be only during the time that food is available to be served and an approved menu is in effect.
6. Video gaming on the premises is not permitted.

67. The annual fee for a Class F license shall be one thousand eight hundred fifteen dollars (\$1,815.00).

b. *Class F-1—Beer and wine restaurant license with package sales.*

1. Authorizes the licensee to sell to the general public beer and wine in original packages only for consumption off the premises; provided that such sale shall be in conjunction with sales of food for consumption off the premises.
2. This license shall only be available for establishments that hold a Class F—Beer and Wine Restaurant License.
3. This license shall not be available for any Class F—Beer and Wine Restaurant License that would be required to obtain a special use permit pursuant to subsection 6-13(d)(2) of this Code.
4. The annual fee for a Class F-1 license shall be two thousand dollars (\$2,000.00).

(7) *Class G—Package beer and wine license.*

a. *Class G—Package beer and wine license, non-gasoline sales.*

1. Authorizes the licensee to sell to the general public beer and wine 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.
2. Samples of wine may from time to time be served on said.
3. This license shall only be available for establishments located in the downtown, shopping centers or businesses with more than five thousand (5,000) square feet

devoted exclusively to retail sales and which primary purpose is other than the sale of alcoholic liquors.

4. Effective July 18, 1989, no new Class G liquor licenses may be issued to any establishment that sells gasoline. Any liquor license in effect at the time of adoption of this subsection which is held by a business that sells gasoline and would not qualify for issuance of a liquor license under this subsection 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 or partnership 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 percent (50) of the stock shall terminate such license.

5. Video gaming on the premises is not permitted.

~~56.~~ The annual fee for a Class G license shall be one thousand, six hundred fifty dollars (\$1,650.00).

b. Class G-1—Package beer and wine license, gasoline sales.

1. Authorizes a licensee that sells gasoline to also sell to the general public beer and wine in original packages only, for consumption off the premises where sold, only during the time that gasoline is also sold.

2. This license shall not be available in the RiverEdge Redevelopment Plus Zone, and shall only be available for establishments which primary purpose is the sale of both gasoline and convenience goods and not the sale of alcoholic liquor 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. Upon receipt of a Class G-1 license, 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 alcoholic liquor sale must be contiguous.

3. A license shall only be granted to establishments that do not provide video gaming services on the premises.

4. 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.

5. The annual fee for a Class G-1 license shall be one thousand six hundred fifty dollars (\$1,650.00).

(8) *Class H—Golf course/clubhouse license.*

- a. Authorizes the licensee to sell alcoholic liquor to its patrons and guests by the drink, for consumption in the clubhouse and on the golf course, and not for resale in any form.
- b. The license shall only be available for premises defined as a golf course/clubhouse herein which has 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.
- c. Video gaming on the premises is not permitted.

ed. The annual fee for a Class H license shall be two thousand seventy dollars (\$2,070.00).

(9) *Class I—Specialty basket license.*

- a. Authorizes the licensee to sell wine to the general public in original packages only, for consumption off the premises where sold, in conjunction with sales of floral arrangements or specialty baskets only.
- b. The value of said floral arrangements and basket contents must be greater than the value of the wine being sold with the arrangement or basket.
- c. This license shall only be available for floral or specialty basket shops whose primary purpose is the sale of floral arrangements or specialty baskets.
- d. Samples of alcoholic beverages may time to time be served on said premises with the prior permission of the local liquor control commissioner.
- e. Video gaming on the premises is not permitted.

ef. The annual fee for a Class I license shall be five hundred fifty dollars (\$550.00).

(10) *Class J—Hotel license (full service).*

- a. Authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold, and not for resale in any form.
- b. Authorizes the licensee to place small, locked refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms. Keys for said units may only be provided to hotel guests who are at least twenty-one (21) years of age.
- c. The dining room of said hotel must have a menu in effect at all times that liquor is served in the dining room. Said menu must consist of, but not be limited to, hot appetizers, hot or cold sandwiches, and hamburgers, pizza or other hot entrees prepared on the premises.
- d. If the hotel has a lounge, it shall be unlawful for any person under the age of twenty-one (21) years to be present in said lounge. During those hours that liquor is being served in the lounge, a menu must be in effect. Such menu may be limited to hot appetizers prepared on the premises.
- e. The license shall only be available for premises defined as a hotel (full service) herein.
- f. Video gaming on the premises is not permitted.

Fg. The annual fee for a Class J license shall be two thousand seventy dollars (\$2,070.00).

(11) *Class K—Catering license.*

- a. Authorizes the licensee to sell alcoholic liquor in connection with the operation of a catering business within the city.

- b. Authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption at a private party at a location within city limits when the food for said party is prepared by the licensee.
- c. The license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business.
- d. All food and beverage sales made by the licensee shall be made at the registered office of licensee, which shall be deemed the licensed premises. Such sales shall be subject to the applicable municipal taxes.
- e. The annual fee for a Class K license shall be eight hundred twenty-five dollars (\$825.00).

(12) *Class L—Casino facility license/Members-only lounge.*

- a. Authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold, and not for resale in any form.
- b. It shall be unlawful for any person under the age of twenty-one (21) years to be present in any lounge.
- c. The license shall only be available for premises defined as a casino facility.
- d. The licensee may apply for an additional license under this class to operate a members-only lounge in which it may sell alcoholic liquor solely to members and their guests by the drink, for consumption on the premises where sold, and not for resale in any form.
- e. The annual fee for a Class L license shall be two thousand seventy dollars (\$2,070.00).
- f. The annual fee for the members-only lounge shall be four thousand one hundred forty dollars (\$4,140.00).

(13) *Class M—Hotel (limited service).*

- a. Authorizes the licensee to sell alcoholic liquor to registered guests of the hotel only, for consumption on the premises where sold, and not for resale in any form.
- b. Authorizes the licensee to charge by the drink or cover the drink charges under the hotel fees.
- c. Authorizes the licensee to place small, locked refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms. Keys for said units may only be provided to hotel guests who are at least twenty-one (21) years of age.
- d. Due to the express use by the registered guests of the Class M—Hotel (limited service), the hours of operation for this classification shall be limited to 12:00 p.m.—12:00 a.m. each day of the week.
- e. The license shall only be available for premises defined as a hotel (limited service).
- f. Video gaming on the premises is not permitted.
- g. The annual fee for a Class M license shall be two thousand seventy dollars (\$2,070.00).

(14) *Class N—Specialty package liquor license.*

- a. Authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption off the premises where sold.
- b. Samples of alcoholic beverages may from time to time be served on said premises with the prior written permission of the local liquor control commissioner.
- c. New licenses in this class may only be issued to establishments located in the downtown, businesses with more than twelve thousand (12,000) square feet devoted exclusively to retail sales and whose primary purpose is other than the sale of alcoholic liquors, or in a commercial area, as defined herein.



- d. Only one (1) Class N liquor license may be issued to any location classified as a commercial area.
- e. The license shall only be available to businesses that sell more than fifty (50) percent of their total alcohol receipts in wine sales.
- f. No establishments which sell gasoline may be issued a Class N liquor license.
- g. Video gaming on the premises is not permitted.

Ch. The annual fee for a Class N license shall be two thousand seventy dollars (\$2,070.00).

(15) *Class O—Banquet hall license.*

- a. Authorizes the licensee to serve alcoholic liquor by the glass only to attendees of a banquet on the premises while guests are seated at tables.
- b. All alcoholic liquor served must be by Basset trained employees of the licensee.
- c. Live musical entertainment or DJ entertainment may be provided incidental to the banquet.
- d. Video gaming on the premises is not permitted.

De. The annual fee for a Class O license shall be two thousand seventy dollars (\$2,070.00).

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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.) ~~In addition, the city council may regulate the number of licenses by considering various factors, including, without limitation, geographical areas within the city.~~ 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.

- (bc) The fee for each class of license shall be determined, from time to time, by separate ordinance or resolution of the city council.
- (ed) The annual fee hereinabove designated for said liquor license shall be due and payable prior to the expiration of the current year's license.
- (de) 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.
- (ef) No part or portion of any fee paid under this section shall be refundable for any purpose.
- (fg) 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.