

1 Chapter 6 - ALCOHOLIC LIQUOR^[1]

2 Footnotes:

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

6 ARTICLE I. - IN GENERAL

7 Sec. 6-1. - Title.

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

10 (Code 1969, § 6-1; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 018-
11 027, 3-13-18)

12 Sec. 6-2. - Definitions.

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

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

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

1 (1) The acts, or simulated acts, of sexual intercourse,
2 masturbation, sodomy, bestiality, oral copulation,
3 flagellation or any sexual acts;

4 (2) Breasts, buttocks, anus, pubic hair, vulva, or genitals.

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

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

14 *Banquet hall* means a commercial location where banquet meals
15 are served, either exclusively or in conjunction with a
16 restaurant business; including service of food for consumption
17 at tables of a full multiple course meal, hors d'oeuvres, buffet
18 or smorgasbord, and at which alcoholic liquor may be served as
19 incidental to such food service.

20 *Bar area* means a separated area of a restaurant that consists
21 of the physical bar used for service and/or consumption of
22 alcoholic beverages, the chairs abutting the bar, and an area of
23 thirty-six (36) inches beyond the table edge of the bar(s).

24 *Beer* means any alcoholic beverage obtained through the
25 alcoholic fermentation of an infusion or concoction of barley,
26 or other grain, malt and hops in water, and includes among other
27 things, beer, ale, stout, lager beer, porter and the like.

28 *BYOB* or *bring your own bottle* shall mean the practice of
29 allowing patrons of a restaurant or other business inviting

1 public patronage to bring and consume alcoholic liquor on the
2 licensed premises.

3 *Cater* or *catering* is a person, corporation, partnership,
4 limited liability company or other business entity which
5 services alcoholic liquor for consumption as an incidental part
6 of food and beverage service that serves meals off site of a
7 licensed premises or a restaurant.

8 *Club* means a corporation organized under the laws of this
9 state, not for pecuniary profit, solely for the promotion of
10 some common object other than the sale and consumption of
11 alcoholic liquors which conforms to the definition of a club in
12 section 1-3.24 of the Illinois Revised Statutes [235 ILCS 5/1-
13 3.24].

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

17 *Downtown* means the Downtown Core and the Downtown Fringe, as
18 defined in the zoning ordinance.

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

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

28 *Florist* means any business used, kept, maintained, and
29 advertised to the public as a retailer of floral items.

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

9 *Golf course/clubhouse* means a public or private golf course
10 with a clubhouse having facilities used, kept and maintained as
11 a place where food is served, such space being provided with
12 adequate and sanitary kitchen and dining room equipment and
13 capacity and having employed therein a sufficient number and
14 kind of employees to prepare, cook and serve suitable food for
15 its guests.

16 *Hotel (full service)* means any building or other structure
17 kept, used, maintained, advertised and held out to the public to
18 be a place where food is actually served and consumed, and
19 sleeping accommodations are offered for adequate pay to
20 travelers and guests, in which twenty-four (24) or more rooms
21 are used for the sleeping accommodations of such guests and
22 having one (1) or more public dining rooms where meals are
23 served to such guests, such sleeping accommodations and dining
24 rooms being conducted in the same building or buildings in
25 connection therewith and such building or buildings, structure
26 or structures being provided with adequate and sanitary kitchen
27 and dining room equipment and capacity. Such hotel must have
28 received a certificate of registration pursuant to the hotel
29 occupancy tax requirements of section 44-193 of the Code of
30 Ordinances and each sleeping room shall have an individually
31 accessible, private full bathroom.

1 *Hotel (limited service)* means any building or other structure
2 that meets all requirements of the definition of "hotel (full
3 service)" other than having a dining room or a kitchen on the
4 premises.

5 *Licensed premises* means any building, portion of a building
6 and secured enclosed area used by the licensee in the operation
7 of the licensed business.

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

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

18 *Motor home, mini motor home* means a self-contained motor
19 vehicle, not used commercially, designed or permanently
20 converted to provide living quarters for recreational, camping,
21 or travel use, with direct walk through access to living
22 quarters from the driver's seat. Such vehicles must include at
23 least four (4) of the following:

- 24 a. A cooking facility with an on-board fuel source;
- 25 b. A gas or electric refrigerator;
- 26 c. A toilet with exterior evacuation;
- 27 d. A heating or air conditioning system with an on-board
28 power or fuel source separate from the vehicle engine;

1 e. A potable water supply system that includes at least a
2 sink, a faucet, and a water tank with an exterior service
3 supply connection;

4 f. A 110-125 volt electric power supply.

5 ~~Nuisance activity means any of the following activities,~~
6 ~~behaviors, or conduct as defined by federal, state or municipal~~
7 ~~statute and/or ordinance where a citation is given, an arrest~~
8 ~~made or a violation has been documented: licensed establishment~~
9 ~~upon which two or more violations with convictions, have~~
10 ~~occurred within a one year period of any law or ordinance~~
11 ~~concerning one (1) or more of the following activities,~~
12 ~~behaviors, or conduct defined by federal, state or municipal~~
13 ~~statute and/or ordinance, including, but not limited to:~~

14 (1) Mob action.

15 (2) Unlawful assembly.

16 (3) Assault.

17 (4) Battery.

18 (5) Unlawful use or possession of weapons or firearms.

19 (6) Unlawful discharge of a firearm.

20 (7) Prostitution.

21 (8) Soliciting or patronizing a prostitute.

22 (9) Keeping a house of prostitution.

23 (10) Pandering.

24 (11) Obscenity.

25 (12) Sexual assault and sexual abuse.

26 (13) Public indecency.

27 (14) Disorderly conduct.

- 1 (15) Unlawful production, sale, distribution, possession, or
2 use of cannabis.
- 3 (16) Illegal gambling.
- 4 (17) Keeping or maintaining a place of illegal gambling.
- 5 (18) Unlawful possession of gambling devices.
- 6 (19) Arson.
- 7 (20) Criminal damage to property.
- 8 (21) Illegal consumption, sale, or possession of alcohol.
- 9 (22) Theft.
- 10 (23) Interference with public/peace officer.
- 11 (24) Harassment.
- 12 (25) Indecent exposure.
- 13 (26) Building and Zoning violations.
- 14 (27) Loitering.
- 15 (28) Unlawful possession, sale, distribution, or use of
16 fireworks.
- 17 (29) Aiding and abetting.
- 18 (30) Conspiracy.
- 19 (31) Drug paraphernalia.
- 20 (32) Violations of any animal regulations.
- 21 (33) Any violation of 720 ILCS.
- 22 (34) Any violation of chapter 29 of the Aurora Code of
23 Ordinances.

24 *Original package* shall mean any bottle, flask, jug, can,
25 cask, barrel, keg, hogshed or other receptacle or container of
26 whatsoever kind, used, corked or capped, sealed and labeled by

1 the manufacturer of alcoholic liquor to contain and to convey
2 any alcoholic liquor.

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

5 *Private party* is an event where attendance is by invitation
6 only, the host controls access to the premises, and alcoholic
7 beverages are provided to invited guests at no charge.

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

11 *Restaurant* means any business, or type of food service
12 establishment, that is primarily engaged in the sale of ready-
13 to-eat food for immediate consumption. For the purpose of this
14 definition, "primarily engaged" means having sales of ready-to-
15 eat food for immediate consumption comprising at least fifty-one
16 (51) percent of the total sales, excluding the sale of liquor.

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

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

- 27 (1) The selling of alcoholic liquor;
- 28 (2) The giving away of alcoholic liquor;
- 29 (3) The dispensing of alcoholic liquor;

1 (4) The providing of mix, ice, water or glasses for
2 consumption of alcoholic liquor on premises;

3 (5) The pouring of alcoholic liquor;

4 (6) The providing of setups containing alcoholic liquor;

5 (7) The storage of any alcoholic liquor.

6 *Shopping center* means a group of primarily retail
7 establishments which were planned, constructed or approved via
8 final plan to be constructed, with at least twenty thousand
9 (20,000) square feet already complete, and are managed as a
10 total entity with customer and employee parking provided for on-
11 site. It must occupy at least four (4) acres of land and have at
12 least forty thousand (40,000) square feet of gross leasable
13 space.

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

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

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

28 (Code 1969, § 6-2; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 087-
29 5622, § 1, 1-17-87; Ord. No. 089-66, § 1, 7-5-89; Ord. No. 093-

1 45, § 1, 6-1-93; Ord. No. 093-62, § 1, 8-3-93; Ord. No. 094-91,
2 § 1, 9-6-94; Ord. No. 096-74, § 1, 6-25-96; Ord. No. 098-100, §
3 1, 11-10-98; Ord. No. 002-158, § 1, 12-10-02; Ord. No. 008-24, §
4 1, 3-25-08; Ord. No. 008-105, § 1, 11-4-08; Ord. No. 010-030, §
5 1, 6-8-10; Ord. No. 011-004, § 1, 3-8-11; Ord. No. 015-053, 8-
6 25-15; Ord. No. 018-003, 1-23-18; Ord. No. 018-011, 1-23-18;
7 Ord. No. 018-027, 3-13-18)

8 Sec. 6-3. - Local liquor control commissioner.

9 (a) *Generally.* The mayor is authorized to be the local liquor
10 control commissioner and shall be charged with the
11 administration of The Liquor Control Act of 1934 [235 ILCS
12 5/1-1 et seq.], and such ordinances and resolutions relating
13 to alcoholic liquor as may be enacted. The compensation for
14 the performance of such duties herein shall be one thousand
15 dollars (\$1,000.00) per year. The mayor may appoint one (1)
16 deputy local liquor control commissioner to assist him in the
17 exercise of the powers and the performance of duties herein
18 provided for such local liquor control commissioner. The city
19 council shall determine the amount of compensation to be paid
20 to said deputy local liquor control commissioner as may be
21 deemed necessary for the performance of the duties vested in
22 him. No additional compensation shall be paid to any law
23 enforcement officer, corporation counsel or assistant
24 corporation counsel, or other city inspector for assisting
25 the local liquor control commissioner in performing his
26 duties.

27 (b) *Powers, duties and functions.* The local liquor control
28 commissioner shall be bound by the requirements of the Liquor
29 Control Act 235 ILCS 5/1-1 et. Seq., as amended, and this
30 chapter.The local liquor control commissioner shall have the

1 following powers, duties and functions with respect to liquor
2 licenses:

3 (1) To grant a liquor license to persons or entities within
4 his jurisdiction.

5 (2) The local liquor control commissioner may impose a fine
6 and/or suspend for any period up to thirty (30) days or
7 revoke for cause any license issued by him if he
8 determines that the licensee has violated any of the
9 following provisions:

10 (a) The licensee has violated any ordinance, resolution or
11 regulation enacted by the city or the licensee has violated
12 any of the provisions of the Liquor Control Act, 235 ILCS
13 5-1-1 et.seq., or regulation adopted by the local liquor
14 control commission and which violation occurred as part of
15 the operation of the licensee's business or upon the
16 licensed premises or adjacent premises.

17 (b) The licensee is more than forty-five (45) days
18 delinquent in the payment of any debt to the city.

19 (c) If the local liquor control commissioner has reason to
20 believe that any continued operation of a particular
21 licensed premises will immediately threaten the welfare of
22 the community or is deemed to have property maintenance,
23 fire, building or other code violations upon the premises
24 for which the establishment is licensed, he may, upon the
25 issuance of a written order stating the reasons for such
26 conclusion and without notice of hearing, order the
27 licensed premises closed for not more than seven (7) days,
28 giving the licensee an opportunity to be heard during that
29 period; provided that if such licensee shall also be
30 engaged in the conduct of another business or businesses

1 on the licensed premises such order shall not be
2 applicable to such other business or businesses.

3 (d) For the purpose of this section, every licensee shall
4 be deemed responsible for the acts of his agents or
5 employees whether or not such licensee knowingly permits
6 or has actual knowledge of such unlawful acts stated in
7 this section.

8 (e) Aside from the provisions in Sec. 6-3 (c) no fine,
9 suspension or revocation shall be imposed except after a
10 public hearing by the local liquor control commissioner or
11 appointed hearing officer in accordance with Sec. 6-30.

12 ~~To fine, suspend for not more than thirty (30) days and/or~~
13 ~~revoke for cause any liquor license issued to persons or~~
14 ~~entities for premises within his jurisdiction for~~
15 ~~violation of this chapter.~~

16 (3) To enter into or to authorize any law enforcement
17 officer, corporation counsel or assistant corporation
18 counsel, or other city inspector to enter, at any time,
19 upon the premises licensed hereunder to determine whether
20 any of the provisions of the state law or city ordinance,
21 resolution or any rules or regulations adopted by the
22 local liquor control commissioner or by the state
23 commission have been violated, and at such time to examine
24 the premises of the licensee in connection therewith. Any
25 person appointed deputy local liquor control commissioner
26 pursuant to this section shall have the power given to the
27 local liquor control commissioner by this paragraph.

28 (4) To examine, or cause to be examined, under oath, any
29 applicant for a liquor license or for the renewal thereof,
30 or any licensee upon whom notice of revocation or

1 suspension has been served, or any licensee against whom a
2 citation proceeding has been instituted by the state
3 liquor control commission; to examine, or cause to be
4 examined, the books and records of any such applicant or
5 licensee or respondent; and to hear testimony and take
6 proof for his information in the performance of his
7 duties; and for such purposes to issue subpoenas which
8 shall be effective in any part of this state. For the
9 purpose of obtaining any of the information desired by the
10 local liquor control commissioner under this section, he
11 may authorize his agent to act on his behalf.

12 (5) To issue a written order that the licensed premises be
13 closed for not more than seven (7) days, giving the
14 licensee an opportunity to be heard during that period, if
15 the local liquor control commissioner has reason to
16 believe that any continued operation of a particular
17 licensed premises will immediately threaten the welfare of
18 the community. Except that if such licensee shall also be
19 engaged in the conduct of another business or businesses
20 on the licensed premises, such order shall not be
21 applicable to such other business or businesses.

22 (Code 1969, § 6-3; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 002-
23 158, § 2, 12-10-02; Ord. No. 003-145, § 3, 11-4-03)

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

26 Sec. 6-4. - License required; transfer, etc.

27 (a) It shall be unlawful for any person to sell or offer for
28 sale at retail in the corporate limits of the city any
29 alcoholic liquor without a retailer's license. This license

1 shall allow the licensee to sell or offer for sale at retail,
2 only in the premises specified in such license, alcoholic
3 liquor for use or consumption, but not for resale in any
4 form. No such license hereunder may be transferable between
5 any persons, premises, locations, or entities.

6 (b) Such license shall not descend by the laws of testate or
7 intestate devolution, but it shall cease upon the death of
8 the licensee, provided that executors or administrators of
9 the estate of any deceased licensee, and the trustee of any
10 insolvent or bankrupt licensee, when such estate consists in
11 part of alcoholic liquor, may continue the business of the
12 sale or manufacture of alcoholic liquor under order of the
13 appropriate court, and may exercise the privileges of the
14 deceased or insolvent or bankrupt licensee after the death of
15 such decedent, or such insolvency or bankruptcy until the
16 expiration of such license but not longer than six (6)
17 months.

18 (Code 1969, § 6-4; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 015-
19 053, 8-25-15)

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

21 (a) Only completed applications, with required documentation,
22 shall be considered by the liquor control commissioner. No
23 license may be issued until all information and documentation
24 required in the application has been provided. Applications
25 deemed incomplete and remaining incomplete for longer than
26 sixty (60) business days shall be denied.

27 (b) Applicants for a liquor license shall provide the local
28 liquor control commissioner with a written statement of the
29 following:

- 1 (1) The applicant's full name, address, date of birth and
2 place of birth:
- 3 a. In the case of an individual the full name, address,
4 date of birth and place of birth of the applicant.
- 5 b. In the case of a co-partnership the full name,
6 address, date of birth and place of birth of all
7 persons entitled to share in the profits thereof.
- 8 c. In the case of a corporation the name, address, date
9 of birth and place of birth of all officers, directors
10 and persons owning directly or beneficially stock of
11 such corporation.
- 12 d. In the case of a limited liability company, the name,
13 address, date of birth and place of birth of all
14 members and managers directly owning or having an
15 interest in such entity.
- 16 (2) The full name, address, date of birth and place of birth
17 of the person acting as manager of a licensed premises.
- 18 (3) The type of business of the applicant and the objects
19 for which such business is organized.
- 20 (4) The length of time the applicant has been in such
21 business or, in the case of a corporation, the date when
22 its charter was issued. In addition:
- 23 a. If an Illinois corporation, the date of incorporation
24 and a certificate of good standing from the Secretary
25 of State shall be provided.
- 26 b. If a foreign corporation, the date of becoming
27 qualified to transact business under the Business
28 Corporation Act of 1983 [805 ILCS 5/1.01 Ill.—Rev.]

1 ~~Stat. Ch. 32, § 1.01~~ et seq.] to transact business in
2 the state shall be provided.

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

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

9 a. The name and address of the owner of the premises
10 shall be given. If the premises is held in a trust the
11 names and addresses of all owners of the beneficial
12 interests of the trust shall be given.

13 b. If the premises is a leased premises, a copy of the
14 lease shall be provided. Such lease shall be for a term
15 of sufficient length to encompass the period of the
16 license sought.

17 (6) Whether applicant has made application for a similar
18 license or any other license for the premises except as
19 described in this application and the disposition of such
20 application.

21 (7) Whether a previous license by any state or subdivision
22 thereof, or by the federal government has been issued, if
23 so where and when, or if any such license has been revoked
24 or suspended and the reasons thereof.

25 (c) The application shall be sworn to by the applicant, if an
26 individual, and by at least two (2) members of any
27 partnership applying for such a license. Applications by
28 corporations shall be subscribed and sworn to by the
29 president of said corporation and attested to by the
30 secretary of the corporation for that purpose. Applications

1 by limited liability companies shall be subscribed and sworn
2 to by the principal member or managing member of said company
3 and attested to by a valid notary public.

4 (d) The applicant must produce proof of dram shop liability
5 insurance at the required statutory maximum limits set forth
6 in ~~section 6-21 of~~ the Liquor Control Act, 235 ILCs 5/1-1 et
7 seq. of 1934 [Ill. Rev. Stat. Ch. 43, ¶ 135] as amended from
8 time to time.

9 (e) The applicant shall complete and file a certificate of
10 registration application with the city and produce the
11 appropriate bonds pursuant to ~~section~~ Sec. 44-124.

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

17 (g) All applications shall be accompanied by an application fee
18 ~~in the amount of two hundred fifty dollars (\$250.00) which~~
19 ~~application fee~~ that shall be nonrefundable and inapplicable
20 to the annual license fee.

21 (h) The local liquor control commissioners shall require that
22 any new applicant for a liquor license shall submit to a
23 background check, and shall provide the local liquor control
24 commissioner with any documents necessary for said background
25 check.

26 (i) Prior to the issuance of any liquor license, the applicant
27 must provide the local liquor control commissioner with a
28 certificate of occupancy for the licensed premises.

29 (j) Upon approval of the application and issuance of any new
30 liquor license, the licensee will be placed on a one-year

1 probation period. During said probationary period, if the
2 licensee violates any section of the liquor ordinance, as
3 specified in a probationary agreement that includes a
4 management plan, put forth to the licensee prior to the
5 issuance of a license, a liquor hearing will be called and
6 the license may be revoked immediately, with no progressive
7 discipline required.

8 (k) In the event that the local liquor control commissioner
9 refuses to grant a license, he shall place on file in his
10 office the rejected application and a document setting forth
11 reasons for his refusal to grant the license. Copies of the
12 rejected application and the document setting forth the
13 reasons for refusal shall also be served by certified mail
14 upon the applicant for the license at the address stated on
15 the license application. The rejected applicant may, within
16 ten (10) days from the receipt of said notice of rejection,
17 request a hearing before the local liquor control
18 commissioner, at which time all interested parties shall be
19 heard per Sec. 6-30.

20 (l) The decision of the local liquor control commissioner
21 granting or refusing to grant a city license following
22 hearing shall lie to the state liquor control commission, and
23 shall be on the record, and not de novo.

24 (m) No person shall knowingly furnish false or misleading
25 information or withhold any relevant information on any
26 application for any license required by this chapter nor
27 knowingly cause or suffer another to furnish or withhold such
28 information on his behalf. No person shall knowingly furnish
29 any false or misleading information in the investigation of
30 any application for a license required by this chapter. No
31 person shall willfully withhold any information that is

1 relevant to any such investigation when called upon by any
2 city representative to furnish such information. The
3 furnishing of false or misleading information or withholding
4 any relevant information on any application for any license
5 required by this chapter shall be grounds for denial of any
6 such application, or if discovered after the issuance of any
7 such license, shall be grounds for a fine and/or suspension
8 or revocation of the license.

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

17 (o) All applicants for licenses requiring tabled seating shall
18 provide an appropriate mix of seating options within the
19 establishment, and shall provide a floor plan as part of the
20 application illustrating the seating arrangements for
21 approval. All applicants for licenses which require a minimum
22 square footage shall provide a floor plan as part of the
23 application illustrating all appropriate square footage
24 requirements for approval.

25 (Code 1969, § 6-5; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 093-
26 05, § 1, 1-5-93; Ord. No. 008-105, § 1, 11-4-08; Ord. No. 010-
27 030, § 1, 6-8-10; Ord. No. 011-004, § 1, 3-8-11; Ord. No. 015-
28 053, 8-25-15; Ord. No. 018-003, 1-23-18)

29 Sec. 6-6. - Restrictions on licenses.

1 (a) No license required by this chapter shall be issued or
2 renewed to the following:

3 (1) A person who is indebted to the city or other
4 governmental entity for payment of any fees, fines,
5 charges, bills, or taxes which he is obligated to pay but
6 have remained unpaid for more than forty-five (45) days.

7 (2) A person who has been convicted of a felony under any
8 federal or state law, irrespective of the nature of the
9 offense, unless the local liquor commissioner determines
10 that such person has been sufficiently rehabilitated to
11 warrant the public trust after considering matters set
12 forth in such person's application and the internal
13 investigation. The burden of proof of sufficient
14 rehabilitation shall be on the applicant.

15 (3) A person who has been convicted of a violation of any
16 federal, state or city law concerning the manufacture,
17 possession, consumption or sale of alcoholic liquor
18 including any misdemeanor and traffic violation relating
19 to the same, or has forfeited his bond to appear in court
20 to answer to any charges for any violation.

21 (4) A person who is not of good character and reputation in
22 the community in which he resides or conducts business.
23 For the purpose of this chapter, any person who within
24 five (5) years of application for any liquor license has
25 been convicted of, plead guilty to, or been placed on
26 supervision for any liquor related offense, including
27 driving under the influence of alcohol, shall be
28 considered not of good character and reputation. There may
29 be additional bases for determining that someone is not of
30 good character or reputation including, without

1 limitation, persons convicted of committing a crime of
2 moral turpitude.

3 (5) A person who has been convicted of keeping a place of
4 prostitution or keeping a place of juvenile prostitution,
5 promoting prostitution that involves keeping a place of
6 prostitution, or promoting juvenile prostitution that
7 involves keeping a place of juvenile prostitution.

8 (6) A corporation, if any officer, manager or director
9 thereof, or any stockholders owning stock of such
10 corporation, would not be eligible to receive a license
11 hereunder for any reason.

12 (7) A corporation or limited liability company, unless it is
13 incorporated or organized in Illinois or unless it is a
14 foreign corporation which is qualified under the Business
15 Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to
16 transact business in Illinois.

17 (8) A person whose place of business is conducted by a
18 manager or agent unless said manager or agent possesses
19 the same qualifications required of the licensee.

20 (9) A person who does not own the premises for which a
21 license is sought, or does not have a lease thereon for
22 the full period for which the license is issued.

23 (10) A person, firm or corporation not eligible for a state
24 retail liquor dealer's license.

25 (11) Any person who fails to obtain or maintain a state
26 liquor license during the term of the license.

27 (12) Any person who has not posted bond pursuant to the
28 city's food and beverage tax, pursuant to section 44-124
29 of this Code.

1 (13) Any person who cannot produce proof of dram shop
2 insurance.

3 (14) Any person that has property maintenance, fire,
4 building or other code violations upon the premises for
5 which the establishment is licensed.

6 (15) Any person that has failed to obtain an operational
7 permit to operate a place of assembly above or below grade
8 or with a capacity of six hundred (600) occupants or more,
9 pursuant to ~~chapter~~ Chapter 17 of this Code.

10 (16) A person whose liquor license has been revoked.

11 (17) A person that knowingly furnishes false or misleading
12 information or withholds any relevant information on any
13 application for any license required by this chapter or
14 knowingly causes or suffers another to furnish or withhold
15 such information on his behalf.

16 (b) Any licensee who has been convicted of a felony under any
17 federal or state law, any misdemeanor in which alcoholic
18 liquor was involved or any violation listed in paragraphs
19 (2), (3), (4), and (5) of subsection (a) shall notify the
20 local liquor control commissioner of such conviction. Such
21 notification shall be made within thirty (30) days after the
22 sentencing for the conviction.

23 (Code 1969, § 6-6; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 002-
24 158, § 3, 12-10-02; Ord. No. 003-145, § 2, 11-4-03; Ord. No.
25 008-105, § 1, 11-4-08; Ord. No. 010-030, § 1, 6-8-10; Ord. No.
26 015-053, 8-25-15)

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

- 1 (a) Each license issued under this chapter shall be for a
2 period of one (1) year. Classes A and B shall commence on
3 September 1 and terminate on August 31; all other classes
4 shall commence on May 1 and terminate on April 30.
- 5 (b) Completed applications for renewal of a liquor license must
6 be filed with the local liquor control commissioner or
7 his/her designee not less than fourteen (14) days prior to
8 the date for which the license is to expire. Applications for
9 renewal submitted after the due date shall be assessed a
10 ~~fifty dollar (\$50.00)~~ late fee.
- 11 (c) At the time of filing application for renewal of a liquor
12 license each applicant must produce evidence that he has
13 received a state liquor license along with the following
14 documentation:
- 15 (1) Copy of the current lease or proof of ownership, i.e.
16 deed. For purposes of this section, a licensee is still
17 required to provide a copy of a multi-year lease even if
18 said lease is same as one provided with initial
19 application.
- 20 (2) Copy of the current dram shop insurance (liquor
21 liability insurance) showing the City of Aurora as the
22 certificate holder.
- 23 (3) Current certificate of good standing from the Secretary
24 of State.
- 25 (4) Copy of the applicable county department of health
26 certificate.
- 27 (5) Copy of menu, if applicable.
- 28 (6) Copy of current State of Illinois liquor license.

- 1 (7) Copy of current state-certified beverage alcohol
2 sellers/servers training (BASSET) certificates.
- 3 (8) Current list of names, dates of births and addresses of
4 officers and members (Class B license holders only).
- 5 (9) Full amount of the annual license fee required for
6 relevant classification.
- 7 (10) Background check of officers, members, owners, and
8 managers if more than three (3) years has elapsed since
9 last background check.
- 10 (11) Audit sheet regarding the distribution of revenue for
11 Class N and license holders with video gaming terminal
12 licenses.
- 13 (d) Any license held but not used for the actual operation of
14 the licensed business at any time for a period of six (6)
15 months shall after the expiration of the six (6) months
16 become null and void; provided, that it may be extended by
17 the local liquor control commissioner to two (2) years if the
18 reason for the close of said business is due to a fire or
19 other natural disaster.
- 20 (e) If, during the license period, the licensee no longer owns
21 or has a valid lease on the premises for which a liquor
22 license has been issued said license shall become void.
- 23 (f) Except in cases of death or bankruptcy as set forth in
24 section 6-4, any sale, transfer, or assignment of fifty (50)
25 percent or more of the ownership of a business, whether said
26 sale, transfer or assignment occurs in a single transaction
27 or multiple transactions, shall terminate the license.
- 28 (g) No same day liquor licenses, except for temporary licenses
29 issued pursuant to section 6-10, shall be issued.

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

6 Sec. 6-8. - Classification of licenses.

7 There shall be the following classification of licenses that
8 shall have annual fees set from time to time by separate
9 ordinance or resolution:

10 (1) *Class A-Tavern license.*

11 a. Authorizes the licensee to sell to the general public
12 alcoholic liquor by the drink, for consumption on the
13 premises where sold, and not for resale in any form.

14 b. Authorizes the licensee to sell to the general public
15 alcoholic liquor in original packages only, for
16 consumption off the premises where sold only during the
17 hours authorized for the sale of packaged liquor under
18 section 6-28.

19 c. Authorizes the licensee to sell to the general public
20 alcoholic liquor by the drink, for consumption off the
21 premises, when participating in a city-sponsored event
22 and with the approval of the liquor control
23 commissioner.

24 d. It shall be unlawful for any person under the age of
25 twenty-one (21) years to be present in a Class A-Tavern
26 during the times that alcoholic liquor is sold. If the
27 license is issued for a business which is not
28 predominantly for the sale of alcoholic liquor, such as
29 bowling alleys, this paragraph shall apply only to the

1 room or area set aside for the sale and consumption of
2 alcoholic liquor; provided that persons under the age
3 of twenty-one (21) years may be present in said
4 licensed premises for the purpose of eating a meal so
5 long as they are accompanied by a parent, guardian or
6 spouse twenty-one (21) years of age or older.

7 e. No person, except peace officers in the performance of
8 law enforcement duties, the licensee and his employees
9 or agents actually working, shall be present in a Class
10 A-Tavern between the hours of closing and the hour of
11 opening as established in this chapter, provided, that
12 if the license is issued for a business which is not
13 predominantly for the sale of alcoholic liquor such as
14 bowling alleys, this paragraph shall apply only to the
15 room or area set aside for the sale and consumption of
16 alcoholic liquor.

17 f. New licenses or locations in this Class A-Tavern
18 licensees must have a kitchen and have an approved
19 limited menu in effect at all times that the
20 establishment is open for business. Said menu must
21 consist of, but not be limited to, hot appetizers and
22 hot or cold sandwiches, hamburgers, pizza or other hot
23 entrees prepared on the premises.

24 g. In the downtown, dining tables and chairs must be
25 placed in that area within five (5) feet of exterior
26 windows and doors visible to pedestrians on the
27 sidewalk adjacent to the property to screen dancing and
28 lounge activity.

29 ~~h. The annual fee for a Class A Tavern license shall be~~
30 ~~two thousand seventy dollars (\$2,070.00).~~

1 (2) *Class B—Fraternal society or club license.*

2 a. Authorizes the licensee to sell alcoholic liquor for
3 consumption on the premises, when sold only to the
4 members and the invited guests of the members when such
5 guests are personally accompanied by a member at all
6 times upon the licensed premises.

7 b. The license shall only be available to clubs,
8 fraternal societies or lodges which have been in
9 existence in the State of Illinois continuously for a
10 period of three (3) years prior to making application
11 for a license and shall have at least fifty (50)
12 members regularly paying dues.

13 c. No member or officer of the organization shall be paid
14 a salary or other compensation from the proceeds from
15 the distribution or sale of alcoholic liquor or from
16 the general revenues of the organization.

17 ~~d. The annual fee for a Class B license shall be two~~
18 ~~thousand seventy dollars (\$2,070.00).~~

19 (3) *Class C—Package liquor license.*

20 a. Authorizes the licensee to sell to the general public
21 alcoholic liquor in original packages only, for
22 consumption off the premises where sold. Nothing in
23 this subsection shall be construed as prohibiting the
24 sale of packages containing six (6) single containers
25 of beer, including such packages consisting of various
26 single containers of beer chosen by the customer.

27 b. Samples of alcoholic beverages may from time to time
28 be served on said premises.

1 c. New licenses in this class may only be issued to
2 establishments located in the downtown, shopping
3 centers or businesses with more than ten thousand
4 (10,000) square feet devoted exclusively to retail
5 sales and whose primary purpose is other than the sale
6 of alcoholic liquors.

7 d. No establishments which sell gasoline may be issued a
8 Class C liquor license.

9 e. Licenses in effect upon the passage of this article
10 whose primary purpose is other than the sale of
11 alcoholic liquor and which do not meet the requirements
12 of this section may only be renewed by the current
13 licensee. Upon a change of ownership, a new license may
14 only be issued as a Class G-Package Beer and Wine
15 license.

16 f. Video gaming on the premises is not permitted.

17 ~~g. The annual fee for a Class C license shall be one~~
18 ~~thousand eight hundred fifteen dollars (\$1,815.00).~~

19 (4) *Class D-Auditorium/theatrical - Arts facility*
20 *license/Arts and entertainment studio.*

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

23 1. Authorizes the licensee to sell to the general
24 public alcoholic liquor by the drink for consumption
25 on the premises where sold at scheduled performances
26 or events.

27 2. Authorizes the licensee to sell to the general
28 public alcoholic liquor by the drink, for
29 consumption off the premises, when participating in

1 a city-sponsored event and with the approval of the
2 liquor control commissioner.

3 3. The license shall only be available for premises
4 owned by a metropolitan exposition and auditorium
5 authority or special district.

6 4. Video gaming on the premises is not permitted.

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

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

10 1. Authorizes the licensee to sell to the general
11 public alcoholic liquor by the drink for consumption
12 on the premises where sold at scheduled
13 performances, workshops, or events.

14 2. The license shall only be available for premises
15 defined as a "theatrical-arts facility" that have a
16 minimum seating capacity of one hundred fifty (150)
17 seats on the same floor.

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

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

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

23 1. Authorizes the licensee to sell to the general
24 public beer and wine for consumption on the premises
25 while the patron(s) are participating in or
26 attending an arts, crafts, or art and culture
27 related events or performances that are offered by
28 the licensee.

1 2. The license shall only be available for premises of
2 an art, culture or entertainment studio at which
3 public and private events are held with the primary
4 purpose of holding arts, crafts or art and culture
5 events, performances and classes.

6 3. Video gaming on the premises is not permitted.

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

9 (5) *Class E-Restaurant license.*

10 a. *Class E-Full menu restaurant license.*

11 1. Authorizes the licensee to sell to the general
12 public alcoholic liquor by the drink for consumption
13 on the premises where sold, and not for resale in
14 any form, provided that such sales shall be only in
15 conjunction with the sale of food for consumption on
16 the premises.

17 2. Authorizes the licensee to sell to the general
18 public alcoholic liquor by the drink, for
19 consumption off the premises, when participating in
20 a city-sponsored event and with the approval of the
21 liquor control commissioner.

22 3. Service of alcoholic liquor shall be only during
23 the time that food is prepared on the premises and
24 is available to be served and a menu, approved by
25 the liquor commissioner is in effect.

26 4. A cook or chef shall be employed at all times that
27 the establishment is open for business. The primary
28 duties of said cook or chef shall not include
29 bartending or the serving of alcoholic liquor.

1 5. Authorizes the licensee to sell to the general
2 public alcoholic liquor in original packages only
3 for consumption at a private party when the food for
4 said party is catered by the licensee.

5 6. The license shall only be available for premises
6 defined as a restaurant herein that has a minimum
7 seating capacity of one hundred twenty-five (125)
8 seats on the same floor or level, non-inclusive of
9 the seating around a bar used for alcoholic liquor
10 consumption, except as provided in this subsection,
11 with tables or booths occupying at least fifty (50)
12 percent of the public area of the licensed premises
13 at all times of operation of the business. In a
14 shopping center, as defined above, a new license
15 shall also be available for premises defined as
16 restaurants herein that have a minimum seating
17 capacity of seventy-five (75) seats on the same
18 floor or level, non-inclusive of the seating around
19 a bar used for alcoholic liquor consumption, with
20 tables and booths occupying at least fifty (50)
21 percent of the public area of the licensed premises
22 at all times of operation of the business. In the
23 downtown, the license shall also be available for
24 premises defined as restaurants herein that have a
25 minimum seating capacity of forty-eight (48) seats
26 on the same floor or level, non-inclusive of the
27 seating around a bar used for alcoholic liquor
28 consumption, so long as such tables or booths shall
29 occupy at least fifty (50) percent of the public
30 area of the licensed premises at all times of
31 operation of the business.

1 7. If the restaurant has a lounge, it shall be
2 unlawful for any person under the age of twenty-one
3 (21) years to be present in said lounge.

4 8. The total lounge area of a restaurant may only
5 encompass an area of up to a total of twenty-five
6 (25) percent of the seating area of the restaurant.
7 The lounge area shall be comprised of the bar
8 area(s) and any entertainment area(s) within the
9 establishment. In the downtown, dining tables and
10 chairs must be placed within five (5) feet of
11 exterior windows and doors visible to pedestrians on
12 the sidewalk adjacent to the property to screen
13 dancing and lounge activity.

14 9. A restaurant and the lounge of a restaurant may
15 only remain open while the cook or chef is working
16 on the premises in his or her primary capacity ~~and~~
17 ~~the kitchen is open. .for service of a full menu.~~
18 The lounge must close when ~~the kitchen or the~~
19 restaurant closes or food service is unavailable,
20 whichever occurs first.

21 10. No difference in pricing may be assessed for food
22 and beverage items between the restaurant and the
23 lounge.

24 ~~b. Class E-1 Limited menu restaurant license.~~

25 ~~11. All of the requirements for full menu license~~
26 ~~apply, provided however, that License holders may~~
27 ~~serve~~ between the hours of 9:00 p.m. and closing
28 Sunday through Thursday, and between the hours of
29 10:00 p.m. and closing on Friday and Saturday, a
30 limited menu of five (5) hot food items from the

1 full menu, at least two (2) of which must be a hot
2 sandwich plate or similar, ~~shall be served.~~ A
3 certified food preparer may substitute the
4 requirement set forth in Sec. 6-8 (5)(9) during the
5 time a limited menu is available.

6 ~~2. A certified food preparer must prepare all limited~~
7 ~~menu items on premises, be present at all times~~
8 ~~during the sale of alcoholic liquor, and while a~~
9 ~~lounge on the premises is open.~~

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

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

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

14 1. Authorizes the licensee to sell to the general
15 public beer and wine by the drink for consumption on
16 the premises; provided that such sales shall be in
17 conjunction with the sale of food for consumption on
18 the premises.

19 2. The license shall only be available for premises
20 defined as a restaurant herein that has a minimum
21 seating capacity of seventy-five (75) seats on the
22 same floor, except as provided in this subsection.
23 In the downtown and in shopping centers, as defined
24 herein, the license shall also be available for
25 premises defined as restaurants herein that have a
26 minimum seating capacity of thirty (30) seats on the
27 same floor or level so long as such tables or booths
28 shall occupy at least fifty percent (50) of the
29 public area of the licensed premises at all times of
30 operation of the business.

1 3. All liquor service shall be at tables or booths. No
2 bar or lounge shall be available for customer use.

3 4. A cook or chef shall be employed at all times that
4 the establishment is open for business. The primary
5 duties of said cook or chef shall not include the
6 serving of alcoholic liquor.

7 5. Service of alcoholic liquor shall be only during
8 the time that food is available to be served and an
9 approved menu is in effect.

10 6. Video gaming on the premises is not permitted.

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

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

15 1. Authorizes the licensee to sell to the general
16 public beer and wine in original packages only for
17 consumption off the premises; provided that such
18 sale shall be in conjunction with sales of food for
19 consumption off the premises.

20 2. This license shall only be available for
21 establishments that hold a Class F-Beer and Wine
22 Restaurant License.

23 3. This license shall not be available for any Class
24 F-Beer and wine restaurant license that would be
25 required to obtain a special use permit pursuant to
26 subsection 6-13(d)(2) of this Code.

27 ~~4. The annual fee for a Class F-1 license shall be two~~
28 ~~thousand dollars (\$2,000.00).~~

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

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

3 1. Authorizes the licensee to sell to the general
4 public beer and wine in original packages only, for
5 consumption off the premises where sold. Nothing in
6 this subsection shall be construed as prohibiting
7 the sale of packages containing six (6) single
8 containers of beer, including such packages
9 consisting of various single containers of beer
10 chosen by the customer.

11 2. Samples of wine and beer may from time to time be
12 served on said premises.

13 3. This license shall only be available for
14 establishments located in the downtown, shopping
15 centers or businesses with more than five thousand
16 (5,000) square feet devoted exclusively to retail
17 sales and which primary purpose is other than the
18 sale of alcoholic liquors.

19 4. Effective July 18, 1989, no new Class G liquor
20 licenses may be issued to any establishment that
21 sells gasoline. Any liquor license in effect at the
22 time of adoption of this subsection which is held by
23 a business that sells gasoline and would not qualify
24 for issuance of a liquor license under this
25 subsection shall be renewed yearly so long as the
26 license is issued to the current owners. Any sale,
27 transfer, or assignment of more than fifty (50)
28 percent of the ownership of a business or
29 partnership shall terminate said license. In the
30 event that such license is held in the name of a

1 corporation, the sale, transfer or assignment of
2 fifty percent (50) of the stock shall terminate such
3 license.

4 5. Video gaming on the premises is not permitted.

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

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

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

14 2. This license shall not be available in the
15 RiverEdge Redevelopment Plus Zone, and shall only be
16 available for establishments which primary purpose
17 is the sale of both gasoline and convenience goods
18 and not the sale of alcoholic liquor that have at
19 least two thousand two hundred (2,200) square feet
20 of space dedicated to retail sale and storage of
21 products for retail sale. The space dedicated to
22 retail sales and storage of products for retail
23 cannot include space used in part or in whole as an
24 office, restroom (either private or public), utility
25 room/closet, or seating for an onsite restaurant.
26 Convenience goods means food, beverages,
27 medications, household products, cosmetic items and
28 reading materials. The establishment must on a
29 regular basis sell at least five (5) of the seven
30 (7) following categories of non-expired convenience

1 goods: dairy, baked goods, frozen goods, groceries,
2 snack foods, prepared foods, health and beauty aids.
3 Dairy includes refrigerated milk, yogurt, ice cream,
4 cheese and butter products. Baked goods includes
5 breads, cakes, pastries, and cookies both pre-
6 packaged and fresh. Frozen goods require storage in
7 freezers. Groceries includes fresh, boxed, canned,
8 and bagged foods. Snack foods may include candy,
9 gum, chips, or single size servings of food items.
10 Prepared foods includes foods prepared by the
11 manufacturer or vendor to be served or used with
12 minimal further preparation such as sandwiches,
13 salads, or soup. Health and beauty aids includes
14 items such as medications, bandages, cosmetics,
15 grooming, and skin care products. Upon receipt of a
16 Class G-1 license, a maximum of ten (10) percent
17 of available retail space shall be utilized by
18 licensee for the sale of alcoholic liquor as
19 provided herein. Retail space for purposes of this
20 license is defined as the interior floor space
21 within the licensee establishment that is
22 exclusively utilized for the retail sale of
23 products, not services or storage of retail
24 products. The retail space to be used for alcoholic
25 liquor sale must be contiguous.

- 26 3. A license shall only be granted to establishments
27 that do not provide video gaming services on the
28 premises.
- 29 4. Individual cans/bottles of beer shall not be sold
30 by licensee, beer shall be sold only in six-pack
31 portions. Wine may only be sold in containers of no

1 less than seven hundred fifty (750) milliliters. It
2 shall be unlawful for a licensee to bundle, tape,
3 package, or otherwise manipulate single containers
4 for sale as a set. Any such manipulation of
5 packaging shall be a violation of this subsection.

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

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

9 a. Authorizes the licensee to sell alcoholic liquor to
10 its patrons and guests by the drink, for consumption in
11 the clubhouse and on the golf course, and not for
12 resale in any form.

13 b. The license shall only be available for premises
14 defined as a golf course/clubhouse herein which has a
15 minimum of one hundred (100) total acres for an 18-hole
16 or greater course or a minimum of fifty (50) total
17 acres for a nine-hole course.

18 c. Video gaming on the premises is not permitted.

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

21 (9) *Class I-Specialty basket license.*

22 a. Authorizes the licensee to sell wine to the general
23 public in original packages only, for consumption off
24 the premises where sold, in conjunction with sales of
25 floral arrangements or specialty baskets only.

26 b. The value of said floral arrangements and basket
27 contents must be greater than the value of the wine
28 being sold with the arrangement or basket.

1 c. This license shall only be available for floral or
2 specialty basket shops whose primary purpose is the
3 sale of floral arrangements or specialty baskets.

4 d. Samples of alcoholic beverages may time to time be
5 served on said premises with the prior permission of
6 the local liquor control commissioner.

7 e. Video gaming on the premises is not permitted.

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

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

11 a. Authorizes the licensee to sell alcoholic liquor to
12 the general public by the drink, for consumption on the
13 premises where sold, and not for resale in any form.

14 b. Authorizes the licensee to place small, locked
15 refrigerated units containing alcoholic beverages
16 (commonly referred to as "mini-bars") in the guest
17 rooms. Keys for said units may only be provided to
18 hotel guests who are at least twenty-one (21) years of
19 age.

20 c. The dining room of said hotel must have a menu in
21 effect at all times that liquor is served in the dining
22 room. Said menu must consist of, but not be limited to,
23 hot appetizers, hot or cold sandwiches, and hamburgers,
24 pizza or other hot entrees prepared on the premises.

25 d. If the hotel has a lounge, it shall be unlawful for
26 any person under the age of twenty-one (21) years to be
27 present in said lounge. During those hours that liquor
28 is being served in the lounge, a menu must be in

1 effect. Such menu may be limited to hot appetizers
2 prepared on the premises.

3 e. The license shall only be available for premises
4 defined as a hotel (full service) herein.

5 f. Video gaming on the premises is not permitted.

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

8 (11) *Class K-Catering license.*

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

12 b. Authorizes the licensee to sell to the general public
13 alcoholic liquor in original packages only, for
14 consumption at a private party at a location within
15 city limits when the food for said party is prepared by
16 the licensee.

17 c. The license shall only be issued to persons who can
18 demonstrate that they are operating a bona fide
19 catering business.

20 d. All food and beverage sales made by the licensee shall
21 be made at the registered office of licensee, which
22 shall be deemed the licensed premises. Such sales shall
23 be subject to the applicable municipal taxes.

24 ~~e. The annual fee for a Class K license shall be eight~~
25 ~~hundred twenty-five dollars (\$825.00).~~

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

1 a. Authorizes the licensee to sell alcoholic liquor to
2 the general public by the drink, for consumption on the
3 premises where sold, and not for resale in any form.

4 b. It shall be unlawful for any person under the age of
5 twenty-one (21) years to be present in any lounge.

6 c. The license shall only be available for premises
7 defined as a casino facility.

8 d. The licensee may apply for an additional license under
9 this class to operate a members-only lounge in which it
10 may sell alcoholic liquor solely to members and their
11 guests by the drink, for consumption on the premises
12 where sold, and not for resale in any form.

13 e. The annual fee for a Class L license shall be two
14 thousand seventy dollars (\$2,070.00).

15 ~~f. The annual fee for the members only lounge shall be~~
16 ~~four thousand one hundred forty dollars (\$4,140.00).~~

17 (13) *Class M-Hotel (limited service).*

18 a. Authorizes the licensee to sell alcoholic liquor to
19 registered guests of the hotel only, for consumption on
20 the premises where sold, and not for resale in any
21 form.

22 b. Authorizes the licensee to charge by the drink or
23 cover the drink charges under the hotel fees.

24 c. Authorizes the licensee to place small, locked
25 refrigerated units containing alcoholic beverages
26 (commonly referred to as "mini-bars") in the guest
27 rooms. Keys for said units may only be provided to
28 hotel guests who are at least twenty-one (21) years of
29 age.

1 d. Due to the express use by the registered guests of the
2 Class M-Hotel (limited service), the hours of operation
3 for this classification shall be limited to 12:00 p.m.-
4 12:00 a.m. each day of the week.

5 e. The license shall only be available for premises
6 defined as a hotel (limited service).

7 f. Video gaming on the premises is not permitted.

8 ~~g. The annual fee for a Class M license shall be two~~
9 ~~thousand seventy dollars (\$2,070.00).~~

10 (14) *Class N-Specialty package liquor license.*

11 a. Authorizes the licensee to sell to the general public
12 alcoholic liquor in original packages only, for
13 consumption off the premises where sold.

14 b. Samples of alcoholic beverages may from time to time
15 be served on said premises with the prior written
16 permission of the local liquor control commissioner.

17 c. New licenses in this class may only be issued to
18 establishments located in the downtown, businesses with
19 more than twelve thousand (12,000) square feet devoted
20 exclusively to retail sales and whose primary purpose
21 is other than the sale of alcoholic liquors, or in a
22 commercial area, as defined herein.

23 d. Only one (1) Class N liquor license may be issued to
24 any location classified as a commercial area.

25 e. The license shall only be available to businesses that
26 sell more than fifty (50) percent of their total
27 alcohol receipts in wine sales.

28 f. No establishments which sell gasoline may be issued a
29 Class N liquor license.

1 g. Video gaming on the premises is not permitted.

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

4 (15) *Class O-Banquet hall license.*

5 a. Authorizes the licensee to serve alcoholic liquor by
6 the glass only to attendees of a banquet on the
7 premises while guests are seated at tables.

8 b. All alcoholic liquor served must be by Basset trained
9 employees of the licensee.

10 c. Live musical entertainment or DJ entertainment may be
11 provided incidental to the banquet.

12 d. Video gaming on the premises is not permitted.

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

15 (16) *Class P-Coffee shop license.*

16 a. "Coffee shop" means a place of business that: (a)
17 opens to the public for business each day not later
18 than 7:00 a.m. and remains open to the public for
19 business continuously for not less than ten (10) hours;
20 and (b) is engaged in the primary business of the sale,
21 over a counter located at the point of sale where
22 customers place orders, of: (i) coffee, tea, coffee-
23 based beverages, tea-based beverages, and other
24 beverages prepared on the premises for consumption on
25 or off the premises where served: and (ii) food items,
26 including baked goods, sandwiches, and salads, for
27 consumption on or off the premises where served. No
28 coffee shop located within the city is eligible for any

1 class of liquor license other than a Class P coffee
2 shop license.

3 b. The sale of wine or beer is prohibited at any time
4 before 4:00 p.m. and after 10:00 p.m. on Mondays
5 through Fridays, and before 2:00 p.m. and after 10:00
6 p.m. on Saturdays and Sundays.

7 c. Wine and beer may be sold by single serving or by the
8 bottle, but beer must be consumed from a single-
9 serving, transparent container that does not exceed
10 twelve (12) ounces in volume, and wine must be consumed
11 from a single-serving, transparent container that does
12 not exceed five (5) ounces in volume.

13 d. The sale of more than one (1) single serving or bottle
14 of wine or beer to each patron during a single point-
15 of-sale transaction is prohibited. Each and every
16 patron who desires to consume wine or beer (including,
17 without limitation, a portion of wine or beer sold by
18 the bottle), must: (i) be physically present during the
19 point-of-sale transaction during which the wine or beer
20 is purchased: and (ii) present a form of valid
21 photographic identification issued by a state
22 government or the United States government. For the
23 purpose of the Class P coffee shop license, "point-of-
24 sale" transaction means each instance when a patron or
25 group of patrons purchases food and beverages at a
26 coffee shop, whether or not the purchases are processed
27 or documented as a single transaction by the coffee
28 shop.

29 e. Food from an approved menu must be available during
30 the time service of alcoholic liquor is permitted. For

1 the purpose of this section, "food" means baked goods,
2 sandwiches, salads, prepared snacks, and similar items.
3 "Food" does not mean candy, mints, gum, and similar
4 items. The food menu must include, at a minimum, five
5 (5) hot food items, at least two (2) of which must be a
6 hot sandwich plate or similar.

7 f. The coffee shop must be equipped with a limited
8 kitchen that at a minimum will include an appliance to
9 store cold food: convection oven: dishwasher; hand sink
10 for dishwashing: food prep counter; and water heater
11 for dishwashing.

12 g. The license will only be available for premises in the
13 downtown and in shopping centers, as defined herein,
14 with a minimum seating capacity of thirty (30) seats on
15 the same floor or level so long as tables or booths
16 occupy at least fifty (50) percent of the public area
17 of the licensed premises at all times of operation of
18 the business.

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

21 i. The sale of wine or beer through a drive-through
22 window is prohibited.

23 ~~j. The annual fee for a Class P license will be one~~
24 ~~thousand eight hundred fifteen dollars (\$1,815.00).~~

25 (17) *Class Q—Craft winery license* .

26 a. License shall authorize the on-site production and
27 storage of wine manufactured on the premises for either
28 on-premise or off-premise consumption. It also
29 authorizes on-site sampling consumption of such wine by
30 persons of at least twenty-one (21) years of age. The

1 retail sale of craft wine is limited to the craft wine
2 manufactured on the premises and shall be permitted
3 only during the authorized hours of business.

4 b. Class Q licensees may offer for on-site consumption
5 samples of wine produced on-site and sold pursuant to
6 this classification. Licensees shall provide no more
7 than three (3) free samples, each of which shall not
8 exceed one (1) fluid ounce, to any customer in one (1)
9 day.

10 c. Wine purchased for consumption on premises shall be
11 limited to servings no larger than five (5) ounces per
12 volume. Wine sold within the licensed premises for
13 consumption on the premises shall not be removed from
14 the licensed premises. No alcoholic liquor shall be
15 brought onto the licensed premises or consumed on the
16 licensed premises other than wine sold at retail or
17 offered for sampling.

18 d. Class Q licensees must provide food service whenever
19 wine is available for on-premise consumption sales of
20 wine. The licensee is strictly liable for complying
21 with all provisions regarding food service. Wine for
22 product sampling or retail sale for on-site consumption
23 shall be dispensed only in containers provided by the
24 licensee.

25 e. The portion of the licensed premises dedicated to the
26 retail sale of craft wine shall be segregated from the
27 remainder of the premises.

28 f. Not more than twenty-five (25) percent of the total
29 gross square footage area of the physical premises
30 shall be designated to the retail sale of craft wine.

1 g. The location of the retails sale and consumption of
2 craft wine shall be limited to the retail portion of
3 the license premises, except during supervised tours
4 and private events.

5 h. Every Class Q licensee must have a valid First Class
6 Wine Maker's License from the State of Illinois. Every
7 licensee shall maintain accurate records as to the
8 total gallons of wine manufactured on the premises and
9 the total gallons of wine manufactured on the premises
10 and sold for consumption off-premises. Licensee shall
11 produce said records to the city upon request.

12 i. Video gaming on the premises is prohibited.

13 j. All applicable taxes including sales and beverage tax
14 shall be collected and paid on all revenue realized
15 from the sale of craft wine.

16 ~~k. The annual payment fee for initial issuance or renewal~~
17 ~~of such license shall be one thousand eight hundred~~
18 ~~fifteen dollars (\$1,815.00).~~

19 18. *Class R-Distillery license.*

20 a. Authorizes the manufacture, storage and distribution
21 of alcoholic liquors (except beer or wine) on and from
22 the licensed premise. It also authorizes on-site
23 sampling and sale by the drink of the on-site
24 manufactured alcoholic liquor by persons of at least
25 twenty-one (21) years of age. The retail sale of
26 alcoholic liquor is limited to the product manufactured
27 on premise.

28 b. Class R may offer product sampling for consumption,
29 provided that up to three (3) samples, consisting of no
30 more than one-quarter (1/4) ounce of alcoholic liquor

1 may be served to a consumer in one (1) day. Alcoholic
2 liquor for product sampling shall be dispensed only in
3 containers provided by the licensee.

4 c. Sampling and on-premise sale by the glass may occur at
5 the licensed premise during supervised tours or at an
6 approved designated non-adjacent space within the same
7 building.

8 d. Class R licensees must provide food service whenever
9 alcoholic liquor is available for on-premise
10 consumption sales. The licensee is strictly liable for
11 complying with all provisions regarding food service.

12 e. The portion of the licensed premises dedicated to the
13 manufacturing of alcoholic liquors shall be segregated
14 from the remainder of the premises and shall not be
15 generally accessible to the public except during
16 scheduled public tours.

17 f. Any public tours of the manufacturing portion of the
18 licensed premises shall be subject to public safety
19 restrictions imposed by the fire department.

20 g. Every Class R licensee must have a valid distiller
21 license from the State of Illinois and maintain the
22 facilities on the premises for the manufacture of
23 alcoholic liquors as authorized by the Illinois State
24 Liquor Commission. Every licensee shall maintain
25 accurate records as to the total volume of alcoholic
26 liquor manufactured on the premises, total volume sold
27 for off-premise consumption and total volume sold on-
28 premise. Licensee shall produce said records to the
29 city upon request.

30 h. Video gaming on the premises is prohibited.

1 i. All applicable taxes including sales and beverage tax
2 shall be collected and paid on all revenue realized
3 from the sale of the alcoholic liquor.

4 ~~j. The annual payment fee for such license shall be two~~
5 ~~thousand and seventy dollars (\$2,070.00).~~

6 19. *Class S-Recreational Facility* .

7 a. Class S-Recreational facility license.

8 1. Authorizes the licensee to sell to the general
9 public alcohol liquor by the drink for consumption
10 on the premises of a recreational facility where
11 sold, and not for resale in any form. Sale in the
12 original package for consumption off the premises is
13 prohibited.

14 2. Recreational facility. A place kept, used,
15 maintained, advertised or held out to the public as
16 a place in which the public may participate in
17 activities, including but not limited to bowling,
18 arcade, billiards, and indoor simulated golf. It
19 shall be unlawful for any licensee holding a license
20 for a recreational facility to sell or offer for
21 sale at retail, any alcoholic liquor on such
22 premises at any time when the regular and complete
23 business of the recreational facility is not
24 staffed, in actual operation, and open to the public
25 for business. Bar/lounge seating shall be no more
26 than twenty-five (25) percent of the total number of
27 seats provided for patrons of the establishment.

28 3. If the recreational facility has a dedicated area
29 specifically for the purpose of dancing or live
30 entertainment, it shall be unlawful for any person

1 under the age of twenty-one (21) years to be present
2 in said area.

3 4. Service of alcoholic liquor shall be only during
4 the time that food is prepared on the premises and
5 is available to be served and a menu, approved by
6 the liquor commissioner is in effect. The facility
7 must have on the premises an adequate and sanitary
8 kitchen for the preparation of food items.

9 5. A cook or chef shall be employed at all times that
10 the establishment is open for business. The primary
11 duties of said cook or chef shall not include
12 bartending or the serving of alcoholic liquor.

13 6. Such licenses shall only be issued to
14 establishments with a total floor area equal to or
15 greater than twenty thousand square feet (20,000),
16 with a special use permit for amusement,
17 entertainment or recreational use and where the
18 service of alcoholic beverages is ancillary and
19 incidental to the amusement, entertainment or
20 recreational services. The license shall only be
21 available for premises defined as a recreational
22 facility herein that has a minimum seating capacity
23 of one hundred twenty-five (125) seats, non-
24 inclusive of the seating around a bar used for
25 alcoholic liquor consumption. In a shopping center,
26 as defined above, a new license shall also be
27 available for premises defined as recreational
28 facility herein that have a minimum seating capacity
29 of seventy-five (75) seats, non-inclusive of the
30 seating around a bar used for alcoholic liquor
31 consumption. In the downtown, the license shall also

1 be available for premises defined as a recreational
2 facility herein that have a minimum seating capacity
3 of forty-eight (48) seats on the same floor or
4 level, non-inclusive of the seating around a bar
5 used for alcoholic liquor consumption.

6 7. Appropriate security for the space must be utilized
7 at all times when alcoholic liquor is being sold or
8 consumed on the premises of the recreational
9 facility. A security plan must be submitted for
10 approval by the Local Liquor Control Commissioner
11 and must be updated on an annual basis with license
12 renewal. The security plan must at a minimum address
13 any age restrictions, identification of patrons
14 twenty-one (21) and older, alcohol sale control
15 measures, monitoring of the premises, and control of
16 entrances and exits.

17 8. Video gaming on the premises is prohibited.

18 ~~b. Class S-1 Limited menu recreational facility.~~

19 ~~19. All of the requirements for recreational facility~~
20 ~~license apply, however, provided, that License~~
21 ~~holders may serve between the hours of 9:00 p.m. and~~
22 ~~closing Sunday through Thursday, and between the~~
23 ~~hours of 10:00 p.m. and closing on Friday and~~
24 ~~Saturday, a limited menu of five (5) hot food items~~
25 ~~from the full menu, at least two (2) of which must~~
26 ~~be a hot sandwich plate or similar, ~~shall be served.~~~~
27 ~~A certified food preparer may substitute the~~
28 ~~requirement set forth in Sec. 6-8 (19)(5) during the~~
29 ~~time a limited menu is available.~~

1 ~~2. A certified food preparer must prepare all limited~~
2 ~~menu items on premises, be present at all times~~
3 ~~during the sale of alcohol liquor, and while a~~
4 ~~lounge/bar on the premises is open.~~

5 ~~3. The annual fee for any class S license shall be two~~
6 ~~thousand seventy dollars (\$2,070.00).~~

7 (Code 1969, § 6-8; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 087-
8 5622, § 1, 1-17-87; Ord. No. 089-66, § 1, 7-5-89; Ord. No. 089-
9 69, § 1, 7-18-89; Ord. No. 090-14, § 1, 9-18-90; Ord. No. 093-
10 45, § 1, 6-1-93; Ord. No. 093-50, § 1, 6-15-93; Ord. No. 093-69,
11 § 1, 9-7-93; Ord. No. 094-91, § 1, 9-6-94; Ord. No. 096-74, § 3,
12 6-25-96; Ord. No. 099-37, § 1, 5-25-99; Ord. No. 002-158, § 4,
13 12-10-02; Ord. No. 004-43, § 2, 4-27-04; Ord. No. 005-18, § 1,
14 2-22-05; Ord. No. 005-91, § 1, 7-12-05; Ord. No. 008-105, § 1,
15 11-14-08; Ord. No. 010-030, § 1, 6-8-10; Ord. No. 011-004, § 1,
16 3-8-11; Ord. No. 011-021, § 1, 5-24-11; Ord. No. 015-053, 8-25-
17 15; Ord. No. 016-013, 3-8-16; Ord. No. 016-040, 6-28-16; Ord.
18 No. 016-044, 7-12-16; Ord. No. 016-063, § 1, 9-13-16; Ord. No.
19 016-070, § 1, 11-8-16; Ord. No. 017-004, 2-14-17; Ord. No. 018-
20 003, 1-23-18; Ord. No. 018-011, 1-23-18; Ord. No. 018-027, 3-13-
21 18)

22 Sec. 6-9. - Number of licenses and fees.

23 (a) The city council shall determine, by ordinance or
24 resolution, the number of licenses available in each
25 classification. (This limitation shall not apply to temporary
26 permits issued by the local liquor control commissioner under
27 section 6-10 of this chapter.) Neither the local liquor
28 control commissioner nor any other person or entity may issue
29 liquor licenses in a number that is in excess of the number

1 authorized by the city council. A schedule of the currently
2 authorized number of licenses available shall be maintained
3 by the city clerk for the local liquor control commissioner.

4 (b) In addition, the city council may regulate the number of
5 licenses by considering at least the following criteria:

6 (1) The class of liquor license applied for;

7 (2) The past performance of the applicant; or if a
8 partnership, that of each of the partners; or if a
9 corporation, that of the officers, directors, and majority
10 stockholder, and manager, as a licensee;

11 (3) The character and reputation of the applicant; or if a
12 partnership, that of each of the partners; or if a
13 corporation, that of the officers, directors, majority
14 stockholder and manager;

15 (4) The general design and layout of the proposed premises
16 with particular attention given to the licensee's ability
17 to control access by minors;

18 (5) The amount of the applicant's anticipated gross revenue
19 from the sale of alcoholic liquor as compared with gross
20 revenue from other sources within the proposed licensed
21 premises;

22 (6) The nature of entertainment, if any, which the applicant
23 intends to provide;

24 (7) The compliance of the premises with all ordinances of
25 the city and specifically health, building, property,
26 maintenance, housing, and fire safety ordinances;

27 (8) Any monies owed to the city by the applicant which have
28 remained unpaid for a period of more than forty-five (45)
29 days, whether for bills, taxes, licenses or otherwise;

- 1 (9) The number, class and type of licensed premises within a
2 one-mile radius of the proposed licensed premises, and
3 within the city as a whole;
- 4 (10) The zoning, general character of the surrounding
5 neighborhood and the projected impact of the premises upon
6 the surrounding neighborhood and the city as a whole;
- 7 (11) The law enforcement problems, if any, which would be
8 created by the opening of the premises;
- 9 (12) The recommendation of the commissioner.
- 10 (c) The fee for each class of license shall be determined, from
11 time to time, by separate ordinance or resolution of the city
12 council.
- 13 (d) The annual fee hereinabove designated for said liquor
14 license shall be due and payable prior to the expiration of
15 the current year's license.
- 16 (e) The fee hereinabove designated for the liquor license shall
17 be reduced in proportion to the full calendar months which
18 have expired in the license year prior to the issuance of a
19 new license.
- 20 (f) No part or portion of any fee paid under this section shall
21 be refundable for any purpose.
- 22 (g) Upon any license becoming forfeited, void or revoked for
23 any reason, the number of available licenses in that
24 classification shall automatically and immediately be reduced
25 by one (1).
- 26 (Code 1969, § 6-9; Ord. No. 086-5553, § 2, 9-2-86; Ord. No. 087-
27 5622, § 1, 1-17-87; Ord. No. 089-66, § 1, 7-5-89; Ord. No. 090-
28 14, § 2, 9-18-90; Ord. No. 093-05, § 1, 1-5-93; Ord. No. 093-45,
29 § 1, 6-1-93; Ord. No. 094-91, § 1, 9-6-94; Ord. No. 011-004, §

1 1, 3-8-11; Ord. No. 011-101, § 1, 12-20-11; Ord. No. 015-053, 8-
2 25-15; Ord. No. 018-027, 3-13-18)

3 Sec. 6-10. - Special permits.

4 (a) Temporary permit.

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

17 (2) Such temporary permit may be issued to a club, society,
18 fraternal or benevolent organization or association which
19 is organized not for pecuniary profit or to a for-profit
20 entity, organization or group, and shall only be valid for
21 a single theme and at the same location for not more than
22 fifteen (15) days from start to finish.

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

1 a. Proof of a valid state liquor permit or license for
2 special event (Note: For-profits must apply for a
3 standard retailer's license from the state to hold a
4 special event);

5 b. Dram shop liability insurance to the maximum limits,
6 covering the specific date(s) of the special event; and

7 c. Proof of completion of a state-certified beverage
8 alcohol sellers and service education and training
9 program shall not be required for each person serving
10 or selling alcoholic beverages pursuant to a temporary
11 liquor permit provided any such person is at all times
12 supervised in the serving or selling of alcoholic
13 beverages by not less than two (2) persons present at
14 the alcohol sales or service area on the licensed
15 premises and provided such supervisor has successfully
16 completed said state-certified training.

17 d. Each application for a temporary liquor permit shall
18 identify each person who will be supervising the
19 serving or selling of alcoholic beverages at the
20 alcohol sales or service area on the licensed premises.
21 Notwithstanding the provisions of subsection (3) of
22 this section, each such designated supervisor shall
23 submit proof of his or her successful completion of a
24 state-certified beverage alcohol sellers and service
25 education and training program at the time of
26 application.

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

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

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

10 (7) Nothing contained in this section shall preclude the
11 issuance of a temporary permit to sell to the general
12 public alcoholic liquor, for consumption off the premises,
13 when participating in a city-sponsored event and with the
14 approval of the liquor control commissioner.

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

23 ~~(9) The fee for such permit shall be twenty five dollars~~
24 ~~(\$25.00) per day and shall accompany the written~~
25 ~~application.~~

26 (b) BYOB permit.

27 (1) Authorizes the consumption of alcoholic liquor brought
28 onto the premises by a patron over the age of twenty-one
29 (21) for on-site consumption at a location that possesses

1 either a City of Aurora Class D-1, E, E-1, or F Liquor
2 License.

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

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

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

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

12 (6) Permits will be available to license holders upon
13 submittal of a written application. The issuance of the
14 permit will be at the discretion of the local liquor
15 commissioner and will be renewed during the renewal of
16 annual liquor licenses.

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

24 (1) Proof of a valid state liquor permit or license for
25 special event (Note: For-profits must apply for a standard
26 retailer's license from the state to hold a special
27 event);

28 (2) Dram shop liability insurance to the maximum limits,
29 covering the specific date(s) of the special event; and

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

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

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

22 ~~(d) No more than three (3) temporary permits may be granted to~~
23 ~~any organization during a calendar year.~~

24 (Code 1969, § 6-10; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
25 090-26, § 1, 3-6-90; Ord. No. 093-05, § 1, 1-5-93; Ord. No. 005-
26 18, § 2, 2-22-05; Ord. No. 010-030, § 1, 6-8-10; Ord. No. 011-
27 004, § 1, 3-8-11; Ord. No. 013-040, § 1, 7-23-13; Ord. No. 016-
28 070, § 1, 11-8-16; Ord. No. 018-003, 1-23-18; Ord. No. 018-011,
29 1-23-18)

1 Sec. 6-11. - Licenses and certificates to be posted.

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

6 (Code 1969, § 6-11; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
7 008-105, § 1, 11-14-08)

8 Sec. 6-12. - Lists of licenses.

9 (a) The local liquor control commissioner shall keep or cause
10 to be kept a complete list of all such licenses issued by him
11 and furnish the city clerk, the city treasurer and the chief
12 of police with copies thereof.

13 (b) Upon issuance or revocation of any license the local liquor
14 control commissioner shall give written notice of such action
15 to the city clerk, the city treasurer and the chief of police
16 within forty-eight (48) hours of such action.

17 (Code 1969, § 6-12; Ord. No. 086-5553, § 2, 9-2-86)

18 Sec. 6-13. - Allowed areas.

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

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

26 (1) Downtown, as defined herein.

- 1 (2) Shopping centers, as defined herein.
- 2 (3) Contiguous areas of at least fifteen (15) acres which
3 are zoned under the terms of Ordinance No. 3100 amended,
4 known as "Aurora Zoning Ordinance" and the map attached
5 thereto as B-2 Business District-General Retail, B-3
6 Business and Wholesale District, BB Business-Boulevard
7 District, ORI Office, Research and Light Industry District
8 or M-1 Manufacturing District, Limited or combinations of
9 said districts. In addition, any land zoned PDD-Planned
10 Development District shall be included to the extent that
11 such land has been designated for uses similar to the
12 above zonings. Any area zoned R-1, R-2, R-3, R-4, R-5, B-
13 1, M-2, downtown core, downtown fringe is specifically
14 excluded from said business districts.

15 (c) (1) Nothing contained in this section shall preclude the
16 issuance of a liquor license to Class B-Fraternal Society
17 or Club, Class E-Restaurant or Class F-Beer and Wine
18 Restaurant establishments in portions of the City of
19 Aurora classified as predominantly business in character.

20 (2) No new Class A, Class B, Class E or Class F licenses may
21 be issued after January 1, 2003 to any establishment that
22 is within five hundred (500) feet of a residential
23 property without the applicant obtaining a special use
24 permit allowing the issuance of said license, provided the
25 property has adequate off-street parking, and complies
26 with all other requirements of the Code. However, if the
27 license is located in the downtown or a shopping center,
28 as defined above, then a Class E or F license may be
29 issued without the need for a special use permit so long
30 as the license complies with all other requirements of the
31 Code. Current Class A, Class B, Class E and Class F

1 establishments in portions of the city located within five
2 hundred (500) feet of a residential property shall not be
3 required to obtain a special use permit in order to renew
4 their existing liquor license.

5 (d) No license shall be issued for the sale at retail of any
6 alcoholic liquor within one hundred (100) feet of a church,
7 grade school, middle school, alternative school or high
8 school, hospital, or home for indigent persons. However, if
9 the license is located in the downtown or a shopping center,
10 as defined above, then a Class D, E, F, J, K, I or M license
11 may be issued if the license is not located within one
12 hundred (100) feet of a grade school, middle school,
13 alternative school or high school. In the case of a church,
14 the distance of one hundred (100) feet shall be measured to
15 the nearest part of any building used for worship services or
16 educational programs and not to property boundaries.

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

21 (f) Nothing contained in this section shall preclude the
22 issuance of a Class G-Package Beer and Wine License to
23 establishments with more than ten thousand (10,000) square
24 feet devoted exclusively to retail sales and whose primary
25 purpose is other than the sale of alcoholic liquors;
26 provided, that said establishment has met the appropriate
27 zoning regulations, has adequate off-street parking and has
28 complied with the other requirements of this Code.

29 (g) Outdoor seating areas serving alcohol shall be permitted
30 only on the premises of those licensees holding a Class A, B,

1 D, E, F, H, P, or S license. Nothing contained in this
2 section shall preclude the approval and issuance of an
3 outdoor seating area for a licensee located within the
4 "downtown" area, defined as the downtown core and downtown
5 fringe areas as defined from time to time, or "shopping
6 centers" as defined in this article, provided that said
7 establishment has met the other requirements as set forth in
8 this section and has provided a business plan that includes,
9 but is not limited to, a detailed plan to contain noise and
10 music within its premises, as well as security and parking
11 issues.

12 (1) Each licensee that desires to operate an outdoor seating
13 area, must submit a permit request to the local liquor
14 control commissioner. The local liquor control
15 commissioner shall have final approval over any and all
16 requests for an outdoor seating area. The application for
17 outdoor seating area shall include:

18 a. A hard copy of a dimensioned plan drawn to scale
19 including property lines showing the sidewalk or other
20 outdoor space and all existing public improvements and
21 encroachments such as light posts, benches, planters,
22 fencing, trash receptacles, fences, trees and tree
23 grates in the area, bicycle racks and newspaper boxes.
24 The diagram shall also include the location of the curb
25 relative to the building and proposed location of all
26 furniture and equipment to be placed on the sidewalk or
27 area. There shall be a single entry into the outdoor
28 seating area from within the licensed premise and that
29 entryway must be from within the licensed premise
30 except for establishments located downtown. For
31 businesses in the downtown a security plan must be

1 submitted detailing the means to be taken to provide
2 for adequate control of the area.

3 b. Proof that the applicant has written approval from the
4 owner of the property for the outdoor seating area to
5 be used by the applicant if the applicant or the City
6 of Aurora is not the owner of the property.

7 c. The applicant for an outdoor seating area shall
8 provide the city with copies of the certificates of
9 insurance for the required policies for each type of
10 insurance naming the City as an additional, non-
11 contributory insured party:

12 1. Worker's compensation insurance in at least the
13 required statutory limits;

14 2. Comprehensive general liability insurance,
15 including owner's protective liability insurance and
16 contractual liability insurance covering claims for
17 personal injury and property damage with limits of
18 at least two million (\$2,000,000.00) dollars per
19 occurrence, and two million (\$2,000,000.00) dollars
20 for any single injury; and

21 3. The required insurance policies shall each provide
22 that they shall not be changed or cancelled during
23 the life of the licensee period or until thirty (30)
24 days after written notice of such change has been
25 delivered to the city.

26 (2) The outdoor area upon which alcoholic beverages will be
27 served must be clearly designated and segregated by use of
28 a temporary or permanent fence or barrier approved by the
29 city that is no less than twenty four-inches (24") in
30 height and no more than seventy-two inches (72") in height

1 and provided with required, unobstructed exits as
2 prescribed herein and by the City of Aurora Code as
3 adopted from time to time.

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

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

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

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

28 b. Freestanding or attached. Any barrier may be
29 freestanding without any permanent or temporary

1 attachments to buildings, sidewalks or other
2 infrastructure or may be attached to a building.

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

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

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

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

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

24 e. Prohibited Barrier Styles.

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

28 2. Chain-link and other fencing. The use of chain-
29 link, cyclone fencing, chicken wire or similar

1 appurtenances is prohibited for the outdoor seating
2 license. Materials not specifically manufactured for
3 fencing or pedestrian control (including but not
4 limited to such items as buckets, food containers,
5 tires, tree stumps, vehicle parts, pallets, etc.)
6 are not permitted and may not be used as components
7 of a barrier.

8 f. A separate emergency exit out of the outdoor café area
9 may be required before the request is approved.

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

16 a. In order to allow adequate pedestrian traffic areas,
17 Federal and State accessibility requirements and
18 emergency access around outdoor dining areas, the
19 following dimensional requirements must be observed:

20 1. A space at least thirty-six (36) inches wide for
21 unobstructed ingress/egress must be maintained
22 between any restaurant doorway and the pedestrian
23 traffic corridor.

24 2. Location: Access openings should be placed in a
25 location that will not create confusion for visually
26 impaired pedestrians and as approved by the fire
27 department.

28 b. Design and placement of tables and chairs, as well as
29 other equipment shall comply with applicable

1 requirements of the Americans with Disabilities Act and
2 the Illinois Accessibility Act.

3 c. All applicable County Health Department sanitation
4 requirements shall be followed for outdoor food
5 handling. The permittee shall be responsible for
6 posting the outdoor seating area as to any special
7 Health Department requirements.

8 d. All public areas encompassed by the outdoor seating
9 area shall be maintained in a sanitary manner at all
10 times. Food scraps and containers shall be disposed of
11 in appropriate refuse containers on a regular basis
12 during the day by the permittee. Sweeping of refuse or
13 food scraps into tree grates is not permitted.

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

17 f. Licensees shall see that the public areas encompassed
18 by their outdoor seating area are clean at the end of
19 each business day, so as not to have any food or drink
20 leftovers remaining which would pose an attraction to
21 animals or insects. Each permit holder shall wash, as
22 needed, the public area to remove any food or drink
23 residue that may attract animals and/or create a
24 pedestrian slip hazard.

25 g. No tables, umbrellas, enclosure fencing, or other
26 equipment shall be attached or affixed to the sidewalk,
27 parkway, poles or any other public facilities.

28 h. Partitions, chairs, tables, lighting, serving stations
29 and other amenities included in the outdoor seating
30 area shall be approved by the city. The outdoor seating

1 area shall be maintained in compliance with the
2 approved site plan.

3 i. An inspection of the outdoor seating area shall be
4 made by the city prior to approval of the outdoor
5 seating area. Inspections may include, but are not
6 limited to, inspections by the building department,
7 police department and fire department prior to issuance
8 of the permit.

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

15 k. The licensee has an affirmative duty to prohibit any
16 alcoholic liquor from leaving the permitted service
17 area, except in a package properly sealed, bagged and
18 receipted pursuant to Section 6-25(e) of the City of
19 Aurora Code of Ordinances.

20 l. The licensee shall indemnify, defend, protect, and
21 hold harmless the city, its corporate authorities,
22 officers, employees, agents and volunteers from and
23 against any and all claims, demands, losses, damages,
24 liabilities, fines, charges, penalties, administrative
25 and judicial proceedings and orders, judgments,
26 remedial actions of any kind, all costs and cleanup
27 actions of any kind, and all costs and expenses
28 incurred in connection therewith, including but not
29 limited to reasonable attorney's fees, expert witness
30 fees and costs of defense (collectively, the "Losses")

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

20 (4) For new outdoor seating areas approved after March 28,
21 2017, the permit shall be valid for the same term as the
22 liquor license. The holder of a permit shall re-apply on
23 an annual basis in conjunction with the renewal of the
24 annual liquor license. There is an initial application fee
25 ~~of \$100.00~~. Renewals will comprise of submission of the
26 outdoor seating plan.

27 (5) In the event that the local liquor control commissioner
28 refuses to grant permission for an outdoor seating area,
29 he shall place on file in his office the rejected
30 application and a document setting forth the reasons for
31 his refusal to grant the permit. Copies of the rejected

1 application and the document setting forth the reasons for
2 refusal shall also be served by certified mail upon the
3 licensee at the address stated on the license application.

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

8 (7) The licensee must comply with all other provisions of
9 this Code.

10 (Code 1969, § 6-13; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
11 087-5622, § 1, 1-17-87; Ord. No. 088-85, § 1, 8-2-88; Ord. No.
12 089-66, § 1, 7-5-89; Ord. No. 092-120, § 1, 12-15-92; Ord. No.
13 094-91, § 1, 9-6-94; Ord. No. 002-158, § 5, 12-10-02; Ord. No.
14 004-43, § 3, 4-27-04; Ord. No. 005-18, § 3, 2-22-05; Ord. No.
15 008-24, § 2, 3-25-08; Ord. No. 010-030, § 1, 6-8-10; Ord. No.
16 017-014, § 3-28-17)

17 Sec. 6-14. - Drive-through ~~service prohibited and delivery~~
18 service.

19 (a) No licensee under this chapter shall sell alcoholic liquor
20 at a drive-through facility. ~~where the customer or purchaser~~
21 ~~can purchase or receive delivery of alcoholic liquor without~~
22 ~~exiting a motor vehicle or without entering such building or~~
23 ~~structure where alcoholic liquor is sold.~~

24 (b). Alcoholic liquor delivered to any premises located in the
25 City which does not hold a valid liquor license or grocery store
26 pick-up is subject to the following restrictions:

27 (1) Alcoholic liquor must be delivered by an individual of at
28 least twenty-one (21) years of age or older.

1 (2) Deliveries must not be between the hours of eleven o'clock
2 (11:00) p.m. and nine o'clock (9:00) a.m. on weekdays and
3 eleven o'clock (11:00) p.m. and eleven o'clock (11:00) a.m. on
4 Sundays.

5 (3) Payments may not be accepted nor orders placed at the
6 delivery location.

7 (4) The express carrier, common carrier or contract carrier or
8 agent of a liquor license holder that carries or transports
9 alcoholic liquor into or within the city shall not deliver or
10 leave such deliveries without requiring signature of an
11 individual twenty-one (21) years of age or older.

12 (5) Adequate evidence of proof of age should be produced to
13 the delivery agent in all instances of delivery.

14 (6) a record shall be kept by the express company, common
15 carrier or contract carrier or agent of a liquor license
16 holder who delivers alcoholic liquor into or within the city
17 indicating the purchaser's name, address, driver's
18 license/state identification number, time, date and place of
19 delivery and the individual's deliverer's identity.

20 (Code 1969, § 6-14; Ord. No. 086-5553, § 2, 9-2-86)

21 Sec. 6-15. - Entertainment.

22 (a) Entertainment shall be allowed for all licenses that allow
23 for consumption of alcoholic liquor on the premises.

24 (b) Such entertainment shall conform to the following
25 provisions:

- 1 (1) Entertainment shall be confined to a designated stage
2 area that is separate from the audience or in a designated
3 lounge area.
- 4 (2) Dancing by patrons and customers shall be allowed only
5 in areas specifically designated for dancing.
- 6 (3) Entertainers at Class A-Tavern establishments shall be
7 at least twenty-one (21) years of age.
- 8 (4) Entertainers may not solicit alcoholic beverages from
9 customers or patrons of the establishment in which the
10 entertainer is performing.
- 11 (5) Entertainment for purposes of this chapter may consist
12 of live acts, such as vocal soloists or groups,
13 instrumental soloists or groups or spoken word soloists or
14 groups, disc jockeys, karaoke, and pay-per-view streamed
15 events.
- 16 (c) Admission may be charged to the lounge only, at the lounge
17 entrance itself, and only when entertainment is provided. No
18 cover charge, admission charge or other type of charge may be
19 charged to enter the premises of a restaurant.
- 20 (d) No licensee shall allow the sale, modeling or display of
21 lingerie, swimwear or sexually explicit clothing on the
22 licensed premises.
- 23 (e) No licensee shall allow entertainment of a sexual nature,
24 including, without limitation, mud wrestling or wrestling in
25 any other medium or erotic, topless or nude dancers.
- 26 (f) Licensee shall notify the local liquor control commissioner
27 or his designee at least five (5) business days in advance of
28 any entertainment, giving the name and nature of the

1 entertainment and the timeframe in which the entertainment
2 will take place at the licensee establishment.

3 (Code 1969, § 6-15; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
4 087-5622, § 1, 1-17-87; Ord. No. 091-36, § 1, 5-21-91; Ord. No.
5 094-91, § 1, 9-6-94; Ord. No. 002-158, § 6, 12-10-02; Ord. No.
6 003-145, § 1, 11-4-03; Ord. No. 015-053, 8-25-15)

7 Sec. 6-16. - Sound amplification.

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

14 (Code 1969, § 6-16; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
15 088-72, § 1, 6-28-88; Ord. No. 002-158, § 7, 12-10-02)

16 Sec. 6-17. - Control of parking and adjacent premises.

17 (a) No establishment, business, licensee or their agents shall
18 allow any illegal drug use, illegal drug sale, or other
19 criminal activity to occur on the licensed premises and
20 adjacent premises.

21 (b) Each licensee shall have the duty to maintain a peaceful
22 and orderly business premises. This is referred to as the
23 "Maintenance of Order Standard." This shall be accomplished
24 by establishing and maintaining the optimum precautions and
25 actions that are practical to deter and prevent fighting,
26 including, without limitation, hiring extra security and
27 routine training to servers and security personnel on
28 deterring or preventing fights. The duty to prevent fighting

1 shall be applicable both to precautionary and training
2 matters and to the steps taken once fight breaks out or is in
3 imminent danger of breaking out. In determining whether a
4 violation of this section has occurred, the local liquor
5 control commissioner may consider the following matters,
6 among others:

7 (1) Prior incidents of reported or unreported fighting.

8 (2) Whether any fight participant was impaired and the
9 extent to which the impairment occurred on the premises.

10 (3) Whether any participant was served by the licensee after
11 the participant's impairment should have been evident to
12 the licensee.

13 (4) Whether any participant was impaired and whether the
14 licensee had an opportunity to effect that person's
15 removal from the premises.

16 (5) The degree of expediency the licensee observed in
17 calling the police when it should have been evident that a
18 fight was imminent.

19 (6) The actions of the licensee in reacting to the fight.

20 (7) The extent and type of training given to the licensee's
21 employees in such matters as recognizing impairment, over-
22 serving and prevention of altercations.

23 (8) Whether minors were involved in fighting.

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

26 After consideration of all of the circumstances, the local
27 liquor control commissioner may make a determination of
28 whether the Maintenance of Order Standard was violated. If it
29 is determined that a violation occurred, the commissioner may

1 impose any penalty set forth in sections 6-30 and 6-31, up to
2 and including license revocation.

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

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

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

14 (i) The number of persons involved in the fight;

15 (ii) The approximate amount of alcohol consumed on the
16 premises by each person involved in the fight:

17 (iii) What action, if any, was taken by the licensee to
18 prevent the fight;

19 (iv) What action, if any, was taken by licensee after the
20 fight began;

21 (v) Licensee's corrective actions taken to address, deter
22 and prevent future incidents, including, without
23 limitation, names of any training courses provided and
24 the name of any security company or individual officers
25 contracted to provide assistance in deterring or
26 preventing fights.

27 (d) Failure by licensee to give immediate notification to the
28 police department of a fight on the licensed premises or
29 failure to file a report as required in subsection (c) of

1 this section shall cause licensee to be subject to a fine as
2 set forth in section 6-31 of this chapter and/or suspension
3 or revocation of the liquor license. For purposes of this
4 section, "immediate" shall mean at the very moment that a
5 party threatens another, actually commences fighting with
6 another or a breach of the peace is imminent.

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

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

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

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

29 b. The licensee shall keep the parking area clear of
30 litter and debris and keep all properties adjacent to

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

4 c. The licensee shall keep the sidewalk adjacent to the
5 licensed premises clear of motor vehicles at all times.
6 No parking shall be allowed in that area of the public
7 right-of-way lying between the sidewalk and the curb.

8 d. The licensee shall keep the adjacent premises and
9 parking areas which are under its control free from
10 loitering by individuals. Such areas shall be posted to
11 prohibit loitering. No pay telephone shall be allowed
12 in the adjacent areas or parking areas unless such pay
13 telephones are programmed not to receive incoming
14 telephone calls.

15 e. All parking areas shall be lighted from dusk to
16 closing time so that illumination is case adequately
17 over the entire parking area for public safety and
18 visibility. All lighting shall be arranged to reflect
19 light away from adjoining property and public streets.

20 (Code 1969, § 6-17; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
21 090-114, § 3, 9-18-90; Ord. No. 091-36, § 2, 5-21-91; Ord. No.
22 094-91, § 1, 9-6-94; Ord. No. 004-172, § 1, 12-21-04; Ord. No.
23 008-105, § 1, 11-4-08; Ord. No. 015-053, 8-25-15)

24 Sec. 6-18. - Signs.

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

28 (1) The licensee shall establish or maintain on the licensed
29 premises or adjacent premises an exterior sign which

1 identifies the licensed premises and may identify the type
2 of business.

3 (2) Exterior signs on the premises of Class B-Fraternal
4 Society or Club, Class F-Beer and Wine Restaurants and
5 Class G-Package Beer and Wine licensed establishments must
6 be limited to those which identify the establishment and
7 readerboards which shall not advertise alcoholic
8 beverages.

9 (Code 1969, § 6-18; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
10 087-5622, § 1, 1-17-87; Ord. No. 088-71, Exh. A, 6-21-88; Ord.
11 No. 089-66, § 1, 7-5-89; Ord. No. 094-91, § 1, 9-6-94)

12 Sec. 6-19. - Change of location.

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

17 (Code 1969, § 6-19; Ord. No. 085-5553, § 2, 9-2-86; Ord. No.
18 093-05, § 1, 1-5-93; Ord. No. 011-004, § 1, 3-8-11; Ord. No.
19 015-053, 8-25-15)

20 Sec. 6-20. - Manager or officer.

21 (a) No liquor license shall operate without an approved
22 manager. However, such manager may be changed provided the
23 following criteria are met:

24 ~~(1) That a payment be made in the amount of fifty dollars~~
25 ~~(\$50.00).~~

26 (2 1) That the proposed new manager is a person who is
27 qualified or possesses the same qualifications required of

1 the licensee, except that the manager shall not be
2 required to be a resident of the city.

3 (~~3~~ 2) That a written application be provided with
4 information as required by the local liquor control
5 commissioner. The applicant shall submit to a background
6 check and shall provide the local liquor control
7 commissioner with any documents necessary for said
8 background check.

9 (~~4~~ 3) That written permission be given by the local liquor
10 control commissioner authorizing such change in manager.

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

17 (1) That the proposed new officer is a person who is
18 qualified or possesses the same qualifications required of
19 the licensee, except that said officer shall not be
20 required to be a resident of the City of Aurora.

21 (2) That a written application be provided with information
22 as required by the local liquor control commissioner. The
23 applicant shall submit to a background check and shall
24 provide the local liquor control commissioner with any
25 documents necessary for said background check.

26 (3) That written permission be given by the local liquor
27 control commissioner authorizing such change in officer or
28 partner.

29 (c) All license classifications which allow the consumption of
30 alcoholic liquor on the premises shall, at all times, have on

1 duty a designated person in charge of the establishment who
2 has completed successfully an application and background
3 check with the local liquor control commissioner prior to
4 begin such duties.

5 (Code 1969, § 6-20; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
6 087-5677, § 1, 1-17-87; Ord. No. 088-71, Exh. A, 6-21-88; Ord.
7 No. 093-05, § 1, 1-5-93; Ord. No. 094-091, § 1, 9-6-94; Ord. No.
8 002-158, § 8, 12-10-02; Ord. No. 011-004, § 1, 3-8-11; Ord. No.
9 018-003, 1-23-18)

10 Sec. 6-21. - Sanitary conditions.

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

19 (Code 1969, § 6-21; Ord. No. 086-5553, § 2, 9-2-96; Ord. No.
20 094-91, § 1, 9-6-94; Ord. No. 002-158, § 9, 12-10-02)

21 Sec. 6-22. - Employees.

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

27 (b) This subsection shall not apply to those employees of a
28 licensee whose business is not predominantly the sale of

1 alcoholic liquor such as restaurants, clubs, hotels, bowling
2 alleys, grocery stores, drugstores, and the like; provided
3 the employee meets the following requirements:

4 (1) That said employee is otherwise qualified by law for
5 such employment;

6 (2) That said employee is at least eighteen (18) years of
7 age;

8 (3) That said employee's duties are not solely related to or
9 connected with the sale or dispensing of alcoholic
10 beverages;

11 (4) That authorization for the sale or dispensing of
12 alcoholic beverages is performed by an employee over the
13 age of twenty-one (21) years prior to the sale or
14 dispensing occurs;

15 (5) That said employee is not employed at a Class A-Tavern
16 or in a lounge unless his duties are totally unrelated to
17 the sale or dispensing of alcoholic beverages and his
18 duties do not require him to be present in that area set
19 aside for the consumption of alcoholic liquor.

20 (c) Any person employed by any licensee to serve in the
21 capacity of manager, bartender or barkeeper shall possess the
22 same qualifications required of the licensee.

23 (d) All employees on the premises used for the retail sale of
24 alcoholic liquor shall comply with the provisions of any
25 ordinances of the city relative to food establishments with
26 regard to the health of employees and patrons of the
27 establishment.

28 (e) It shall be unlawful to employ in any premises used for the
29 sale of alcoholic liquor any person who is afflicted with or

1 who is a carrier of any contagious, infectious disease, and
2 it shall be unlawful for any person who is afflicted or a
3 carrier of any such disease to work in or about any premises,
4 or be engaged in any way in handling, preparation or
5 distribution of such liquor.

6 (f) No person may be employed by any liquor licensee if that
7 person has been convicted of a felony within the past five
8 (5) years.

9 (g) All employees whose job involves food preparation or the
10 serving of food or beverages shall wear a uniform or
11 appropriate attire which excludes lingerie, swimwear or
12 sexually explicit clothing.

13 (Code 1969, § 6-22; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
14 087-5622, § 1, 1-17-87; Ord. No. 089-66, § 1, 7-5-89; Ord. No.
15 094-91, § 1, 9-6-94; Ord. No. 002-158, § 10, 12-10-02; Ord. No.
16 008-015, § 1, 11-4-08)

17 Sec. 6-23. - Alcohol sellers and servers training requirements.

18 (a) Effective May 1, 2010, all new applications shall be
19 accompanied by proof of completion of a state-certified
20 beverage alcohol sellers and service education and training
21 program for all persons who serve or sell alcoholic beverages
22 pursuant to that license.

23 (b) All licensees submitting renewal applications for the term
24 May 1, 2010, through April 30, 2012, must, within ninety (90)
25 days, submit proof of completion of a state-certified
26 beverage alcohol sellers and service education and training
27 program for all persons who serve or sell alcoholic beverages
28 pursuant to that license. All renewal applications for terms

1 thereafter shall be accompanied by said proof of state-
2 certified training for all required employees.

3 (c) New employees or managers of a licensee, who are required
4 to complete said training shall, within ninety (90) days from
5 the beginning of their employment with that licensee,
6 complete the state-certified beverage alcohol sellers and
7 service education and training program and shall, until
8 completion of said program, work under the supervision of a
9 person who has completed said program.

10 (d) A photocopy of evidence of completion of a state-certified
11 beverage alcohol sellers and service education and training
12 program must be filed with the city clerk within twenty-one
13 (21) days of completion of said program.

14 (e) Employees or managers of the licensee who have completed a
15 state-certified beverage alcohol sellers and service
16 education and training program shall maintain evidence of
17 completion of said program on the premises of the licensee or
18 on their person while on the premises of the licensee.

19 (Ord. No. 010-030, § 1, 6-8-10; Ord. No. 018-003, 1-23-18)

20 Sec. 6-24. - Possession and consumption of alcoholic liquor in
21 public place.

22 (a) No person shall consume any alcoholic liquor in any public
23 location or place, including, without limitations, retail
24 store locations, within the city except on the premises
25 licensed for the retail sale and consumption of alcoholic
26 liquors except as hereinafter provided. For purposes of this
27 section, the prohibition applies to all possession or
28 consumption of alcohol, regardless of whether the alcohol

1 consumed was sold on premises or was provided by someone
2 other than the owner or lessee of the premises.

3 (b) This section shall not apply to any public fair, picnic or
4 similar assembly if approved by the local liquor control
5 commissioner. Such alcoholic beverages shall be dispensed and
6 consumed in containers other than glass or metal and adequate
7 waste receptacles shall be provided for the resulting refuse.

8 (c) No person shall sell at retail for consumption on the
9 premises any nonalcoholic beverage or ice knowing the same to
10 be intended to be mixed with any alcoholic liquor, except
11 upon the premises licensed for retail sale of alcoholic
12 liquor for consumption on the premises.

13 (d) No person shall sell, consume, or possess any alcoholic
14 liquor in any place that is operating as a pool hall or
15 arcade unless such premises are licensed for the retail sale
16 and consumption of alcoholic liquors as provided in this
17 section.

18 (e) No person shall possess alcoholic liquor in any public
19 place within the city except in the original package and with
20 the seal unbroken.

21 (Code 1969, § 6-23; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
22 087-5622, § 1, 1-17-87; Ord. No. 088-71, Exh. A, 6-21-88; Ord.
23 No. 010-030, § 1, 6-8-10; Ord. No. 015-053, 8-25-15)

24 Sec. 6-25. - Carrying of alcoholic liquor from the premises.

25 (a) It shall be unlawful for any person to carry any alcoholic
26 liquor in an unsealed or opened container from the licensed
27 premises where such alcoholic liquor was purchased.

- 1 (b) No licensee or employee of a licensee under this article
2 shall permit any patron to violate this section nor continue
3 to sell alcoholic liquors to any person knowing that such
4 person intends to carry the alcoholic liquor from the
5 licensed premises in an open or unsealed container.
- 6 (c) It shall be unlawful for any licensee, owner, manager,
7 bartender or any employee of said licensee to allow any
8 patron to leave the licensed premises with open liquor.
- 9 (d) It shall be unlawful for any person to transport, carry,
10 possess or have any alcoholic liquor in or upon or about any
11 passenger area of a motor vehicle in the city except in the
12 original package and with the seal unbroken.
- 13 (e) Notwithstanding any other provision of this section, Class
14 E-Restaurant and Class F-Beer and Wine Restaurant liquor
15 licensees may permit a patron to remove one unsealed and
16 partially consumed bottle of wine for off-premises
17 consumption provided that the patron has purchased a meal and
18 consumed a portion of the bottle of wine with the meal on the
19 restaurant premises. A partially consumed bottle of wine that
20 is to be removed from the premises pursuant to this section
21 shall be securely sealed by the licensee or an agent of the
22 licensee prior to removal from the premises and placed in a
23 transparent one-time use tamper-proof bag. The licensee or
24 agent of the licensee shall provide a dated receipt for the
25 bottle of wine to the patron.
- 26 (f) This section shall not apply to the passengers in a
27 limousine when it is being used for purposes for which a
28 limousine is ordinarily used, the passengers on a chartered
29 bus when it is being used for purposes for which chartered
30 buses are ordinarily used or on a motor home or mini motor

1 home, as defined herein. However, the driver of any such
2 vehicle is prohibited from consuming or having any alcoholic
3 liquor in or about the driver's area. Any evidence of
4 alcoholic consumption by the driver shall be prima facie
5 evidence of such driver's failure to obey this section.

6 (Code 1969, § 6-24; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
7 008-105, § 1, 11-4-08; Ord. No. 010-030, § 1, 6-8-10)

8 Sec. 6-26. - Sale/transportation in original package.

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

13 (Code 1969, § 6-25; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
14 087-5622, § 1, 1-17-87; Ord. No. 094-91, § 1, 9-6-94; Ord. No.
15 008-105, § 1, 11-4-08; Ord. No. 010-030, § 1, 6-8-10)

16 Sec. 6-27. - Prohibited products.

17 (a) It shall be unlawful for any person holding a liquor
18 license to sell at retail for consumption off the premises
19 where sold, any single can, bottle or other container holding
20 beer or wine that contains sixteen (16) fluid ounces/four
21 hundred seventy-five (475) milliliters or less which is
22 refrigerated or displayed in ice.

23 (b) It shall be unlawful for any person holding a liquor
24 license to sell at retail any single container holding less
25 than seven hundred fifty (750) milliliters of wine where
26 alcohol content determined by volume exceeds thirteen (13)
27 percent.

1 (c) It shall be unlawful for any person holding a liquor
2 license to sell at retail any alcoholic liquor where alcohol
3 content determined by volume exceeds seventy-six (76)
4 percent.

5 (d) It shall be unlawful for any person holding a liquor
6 license to sell at retail any single can, bottle or other
7 container holding malt liquor that contains more than twenty-
8 four (24) fluid ounces.

9 (e) It shall be unlawful for any person holding a liquor
10 license to sell or give away items of drug paraphernalia, as
11 defined in section 29-302 of this Code.

12 (f) It shall be unlawful for any person holding a liquor
13 license to sell products used to roll tobacco into
14 cigarettes, commonly referred to as rolling papers or
15 cigarette papers.

16 (g) It shall be unlawful for any person holding a liquor
17 license to sell or give away, for use off the premises,
18 individual paper, plastic or other disposable-type beverage
19 cups.

20 (h) It shall be unlawful for any person holding a liquor
21 license to display for sale any adult magazine, book, poster,
22 or electronic media in such a manner that it can be viewed by
23 those under the age of eighteen (18).

24 (Code 1969, § 6-26; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
25 008-105, § 1, 11-4-08; Ord. No. 010-030, § 1, 6-8-10; Ord. No.
26 010-030, § 1, 6-8-10)

27 Sec. 6-28. - Hours of operation.

1 (a) (1) The licensee may sell or permit to be sold for
 2 consumption on the licensed premises, alcoholic liquors
 3 only between the following hours, unless otherwise
 4 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

5

6 (2) Licensees holding Class A-Tavern, Class C-Package Liquor
 7 or Class G-Package Beer and Wine Liquor Licenses may sell
 8 or permit to be sold for consumption off the premises,
 9 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
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1

2 (3) Provided, however, that licensees located in the
3 RiverEdge Redevelopment Plus Zone shall only sell or
4 permit to be sold alcoholic liquor, beer and wine
5 beginning at 9:00 a.m. Sunday through Friday, and
6 beginning at 7:00 a.m. on Saturday.

7 (4) Due to the primarily entertainment and exclusive nature
8 of this use, the Class L licensee may sell or permit to be
9 sold or consumed on or in its licensed premises, alcoholic
10 liquor beginning in no event earlier than 6:00 a.m. and
11 ending in no event later than 2:00 a.m.; however, alcohol
12 may not be sold or consumed prior to noon on Sundays
13 except in conjunction with a meal.

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

21 a. A written request shall be submitted to the local
22 liquor control commissioner on or before December 15
23 prior to the date for which permission is sought.

24 b. The fee for said time extension shall be fifty dollars
25 (\$50.00) and shall be submitted with the application.

1 c. The licensee shall close and secure the doors at 2:00
2 a.m. so as not to allow any customers to enter the
3 premises after that hour.

4 d. Such extension shall not be issued to those locations
5 in the residential areas listed under subsection 6-
6 13(c).

7 e. The local liquor control commissioner may deny such
8 request from any establishment that has had its liquor
9 license suspended within the past year or for any
10 establishment that currently owes the city money or has
11 been found to be ~~is~~ in violation of any city codes
12 within the past twelve (12) months. Establishments with
13 active alcohol-related public nuisance abatement plans
14 will not be eligible for the extension of hours.

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

23 (c) No person, except peace officers in the performance of law
24 enforcement duties, the licensee and his employees or agents
25 actually working, shall be present in a licensed premises
26 between the hour of closing and the hour of opening as
27 established in this section; provided, that if the license is
28 issued for a business which is not predominantly for the sale
29 of alcoholic liquor, such as hotels, bowling alleys,
30 restaurants, clubs or retail stores, such licensee may keep

1 his place of business open, subject only to the provisions
2 that no sale or consumption by persons shall be permitted on
3 the premises during the hours prohibited.

4 (Code 1969, § 6-27; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
5 093-05, § 1, 1-5-93; Ord. No. 093-45, § 1, 6-1-93; Ord. No. 094-
6 91, § 1, 9-6-94; Ord. No. 096-132, § 1, 12-10-96; Ord. No. 002-
7 158, § 11, 12-10-02; Ord. No. 010-030, § 1, 6-8-10; Ord. No.
8 011-004, § 1, 3-8-11; Ord. No. 015-053, 8-25-15)

9 Sec. 6-29. - Underaged/intoxicated persons.

10 (a) No person engaged in the retail sale of alcoholic liquor,
11 or any other person, shall sell, give or deliver alcoholic
12 liquor to any person under the age of twenty-one (21).

13 (b) No person engaged in the retail sale of alcoholic liquor,
14 or any other person, shall sell, give or deliver alcoholic
15 liquor to any intoxicated person or to any persons known by
16 him to be a habitual drunkard or an incompetent, nor shall
17 any such person be permitted on the premises.

18 (c) No person under the age of twenty-one (21) years of age
19 shall misrepresent his age for the purpose of purchasing or
20 obtaining alcoholic liquor in any place within the City of
21 Aurora where liquor is sold or dispensed.

22 (d) No person shall give, sell or deliver any alcoholic liquor
23 to any person under the age of twenty-one (21) years,
24 directly or indirectly.

25 (e) The possession or dispensing or consumption of alcoholic
26 liquor by a minor in the performance of a religious service
27 or ceremony is not prohibited by this section.

1 (f) No person under the age of twenty-one (21) years shall
2 purchase or obtain alcoholic liquor, directly or indirectly.
3 Nor shall such person possess or consume alcoholic liquor.

4 (g) It shall be unlawful for any owner, lessee or other legal
5 occupant of residential property to allow alcoholic beverages
6 to be served at a gathering of two (2) or more persons at
7 said residence where one or more of said persons is under
8 twenty-one (21) years of age and such underaged person is in
9 possession of or consuming any alcoholic beverage.

10 (h) Violation of this section is a Misdemeanor II.

11 (Code 1969, § 6-28; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
12 094-91, § 1, 9-6-94; Ord. No. 010-030, § 1, 6-8-10)

13 Sec. 6-30. - ~~Fine, suspension or revocation of licenses. Burden~~
14 ~~of proof; hearing procedures; remedies~~

15 (a) Burden of Proof

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

27 (b) Hearing Procedure

- 1 1. When the local liquor control commissioner finds a
2 violation, he shall provide written notice of the violation
3 indicating the name and address of the license holder, the
4 type and nature of the violation, and the date the
5 violation was observed. Said notice shall be sent in
6 accordance with section 6-31.

- 7 2. All such hearings shall be open to the public and an
8 official record shall be made by a certified court reporter
9 in attendance.

- 10 3. Subpoenas. At any time prior to the hearing date, the
11 administrative hearings officer, at the request of the
12 local liquor control commissioner or attorney for the city,
13 or the license holder or his attorney, issue subpoenas
14 directing witnesses to appear and give testimony at the
15 hearing.

- 16 4. Default. If on the date set for the hearing the license
17 holder or his attorney fails to appear, the administrative
18 hearing officer may find the license holder in default and
19 shall proceed with the hearing and accept evidence relevant
20 to the existence of a liquor code violation.

- 21 5. Continuances and representation at hearings. No
22 continuances shall be authorized by the hearing officer in
23 proceedings under this article except in cases where a
24 continuance is absolutely necessary to protect the rights
25 of the owner. Lack of preparation shall not be grounds for
26 a continuance. Any continuance authorized by a hearing
27 officer under this article shall not exceed twenty-five
28 (25) days. The case for the city may be presented by an
29 attorney designated by the city. However, in no event shall
30 the case for the city be presented by the local liquor

1 control commissioner. The case for the license holder may
2 be presented by the owner, his attorney, or any other agent
3 or representative.

4 6. Evidence at hearing. At the hearing, a hearing officer
5 shall preside and shall hear testimony and accept any
6 evidence relevant to the existence or nonexistence of a
7 code violation on the property indicated. In all hearings
8 pursuant to this section, the evidence presented shall be
9 reduced to writing and an official record of the
10 proceedings maintained. The strict rules of evidence
11 applicable to judicial proceedings shall not apply to
12 hearings authorized by this article.

13 a) The hearing officer shall consider if the owner, his
14 attorney, or any other agent or representative proves to
15 the hearing officer's satisfaction that:

16 (1) The code violation alleged in the notice does not
17 in fact exist, or at the time of the hearing the
18 violation has been remedied or removed; provided,
19 however, that if the code violation alleged in the
20 notice has been charged to the license holder on the
21 same property any time within the preceding twelve
22 (12) months, then it shall not be a defense if at
23 the time of hearing the violation has been remedied
24 or removed.

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

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

15 a) A copy of the findings, decision, and order shall be
16 served upon the person in charge, or owner/occupant if
17 different than the person in charge, within ten (10)
18 business days. Service shall be in the same manner as
19 specified in section 6-31.

20 b) Payment of any penalty or fine shall be made to the city
21 finance department.

22 c) In the event that the order provides for the abatement of
23 nuisance activity, the hearing officer shall establish a
24 status date, which would be after the date established
25 for the abatement of the nuisance activity, in order to
26 determine whether there has been compliance with the
27 order. At such time, the hearing officer shall hear
28 testimony and accept any evidence relevant to the
29 compliance with the order and continued abatement of the
30 nuisance activity.

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

4 a) Fine the license holder per 6-3(b)(3) for each violation
5 of this section. Each day a nuisance activity occurs or
6 continues shall be considered a separate and distinct
7 violation. The local liquor control commissioner may, at
8 his discretion, impose such a fine for each day the
9 nuisance activity goes unabated. No licensee shall be
10 found in violation of this section unless the city proves
11 by a preponderance of the evidence that licensee failed
12 to take reasonable and warranted measures to prevent the
13 violation. In establishing the amount of any fine, the
14 hearing officer may consider any of the following
15 factors:

16 i) The actions taken by the licensee or his/her agent to
17 mitigate or correct the activities at the licensed
18 premise.

19 ii) The repeated or continuous nature of the problem.

20 iii) The magnitude or gravity of the problem.

21 iv) How cooperative the owner is with the city.

22 v) The cost to the city of investigating, correcting, or
23 attempting to correct the violation.

24 vi) Any other factor deemed relevant by the hearing
25 officer. Evidence of a property's general reputation
26 and/or the reputation of the persons in or frequenting
27 it shall be admissible.

28 1. Order the owner to take reasonable, timely and lawful
29 measures to abate the nuisance activity or violation,

1 including specifying deadlines for the same, and in
2 furtherance thereof, may order a period of continued
3 compliance wherein the matter will be returned before the
4 hearing officer to update him/her as to the continued
5 nuisance-free status of the property for a period of up to
6 one (1) year. Abatement plans will follow the terms set
7 forth in Sec. 6-33(a)(2).

8 2. Suspend/revoke the license for the establishment involved
9 in the activity. The local liquor control commissioner may
10 order that said establishment be closed and secured against
11 all unauthorized access, use, and occupancy for a period of
12 up to one (1) year. If the hearing officer suspends or
13 revokes the license, the owner of the establishment shall
14 receive written notice from the local liquor control
15 commissioner that the liquor license is suspended or
16 revoked, as the case may be. The suspension or revocation
17 of the liquor license shall not release or discharge the
18 license holder from paying fees or fines under this Code,
19 nor shall such license holder be released from criminal
20 prosecution or further civil proceedings.

21 3. The local liquor control commissioner may, upon the
22 issuance of a written order and without a hearing, suspend
23 a license based upon written notice from the Illinois
24 Liquor Control Commission that a licensee's state liquor
25 license has been revoked. Revocation of a license due to
26 the revocation of a state liquor license may only take
27 place after notice and a hearing in accordance with the
28 procedures set forth in subsection (a) above.

29 (c) Appeal from the decision and order of the local liquor
30 control commissioner rendered pursuant to this section shall

1 lie with the state liquor control commission and shall be on
2 the record, and not de novo.

3
4 ~~(a) The local liquor control commissioner may impose a fine~~
5 ~~and/or suspend for any period up to thirty (30) days or~~
6 ~~revoke for cause any license issued by him if he determines~~
7 ~~that the licensee has violated any of the following~~
8 ~~provisions:~~

9 ~~(1) The licensee has violated any law of the state, any~~
10 ~~ordinance of the county, or any ordinance of the City of~~
11 ~~Aurora, which affects the public health, welfare and~~
12 ~~safety and which violation occurred as part of the~~
13 ~~operation of the licensee's business or upon the licensed~~
14 ~~premises or adjacent premises.~~

15 ~~(2) The licensee has violated any of the provisions of this~~
16 ~~chapter or any state law pertaining to the sale of~~
17 ~~alcoholic liquor.~~

18 ~~(3) The licensee is more than forty-five (45) days~~
19 ~~delinquent in the payment of any debt to the city.~~

20 ~~(4) For the purposes of this section, every licensee shall~~
21 ~~be deemed responsible for the acts of his agents or~~
22 ~~employees whether or not such licensee knowingly permits~~
23 ~~or has actual knowledge of such unlawful acts stated in~~
24 ~~this section.~~

25 ~~(b) No fine, suspension or revocation shall be imposed except~~
26 ~~after a public hearing by the local liquor control~~
27 ~~commissioner in accordance with the following:~~

1 ~~(1) The licensee shall be given a three-day written notice~~
2 ~~affording the licensee an opportunity to appear and~~
3 ~~defend.~~

4 ~~(2) All such hearings shall be open to the public.~~

5 ~~(3) If the local liquor control commissioner determines~~
6 ~~after such hearing that there should be a fine, revocation~~
7 ~~or suspension, he shall, within five (5) days after such~~
8 ~~hearing, state the reasons for such a determination in a~~
9 ~~written order and shall serve a copy of such order upon~~
10 ~~the licensee within five (5) days.~~

11 ~~(4) In all hearings pursuant to this section, the evidence~~
12 ~~presented shall be reduced to writing and an official~~
13 ~~record of the proceedings maintained.~~

14 ~~(c) If the local liquor control commissioner has reason to~~
15 ~~believe that any continued operation of a particular licensed~~
16 ~~premises will immediately threaten the welfare of the~~
17 ~~community or is deemed to have property maintenance, fire,~~
18 ~~building or other code violations upon the premises for which~~
19 ~~the establishment is licensed, he may, upon the issuance of a~~
20 ~~written order stating the reasons for such conclusion and~~
21 ~~without notice of hearing, order the licensed premises closed~~
22 ~~for not more than seven (7) days, giving the licensee an~~
23 ~~opportunity to be heard during that period; provided that if~~
24 ~~such licensee shall also be engaged in the conduct of another~~
25 ~~business or businesses on the licensed premises such order~~
26 ~~shall not be applicable to such other business or businesses.~~

27 ~~The local liquor control commissioner may, upon the issuance~~
28 ~~of a written order and without a hearing, suspend a license~~
29 ~~based upon written notice from the Illinois Liquor Control~~
30 ~~Commission that a licensee's state liquor license has been~~

1 ~~revoked. Revocation of a license due to the revocation of a~~
2 ~~state liquor license may only take place after notice and a~~
3 ~~hearing in accordance with the procedures set forth in~~
4 ~~subsection (b) above.~~

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

9 (Code 1969, § 6-29; Ord. No. O86-5553, § 2, 9-2-86; Ord. No.
10 O02-158, § 12, 12-10-02; Ord. No. O10-030, § 1, 6-8-10)

11 Sec. 6-31. - ~~Penalties.~~ Notices and service of process.

12 (a) Subject to the provisions of subsection (c), any notice,
13 order of other process entered or issued by the commissioner
14 pursuant to this chapter may be served on a license holder or
15 applicant by certified mail addressed to the licensee or
16 applicant at the location of the licensed premises or the
17 mailing address contained in the license application. Service
18 shall be complete on the fourth day following mailing and may be
19 proven in any manner allowed by law.

20 (b) If the local liquor commissioner send such notice, the
21 notice shall contain the following information:

22 1. The street address of the establishment or a legal
23 description sufficient for identification of the
24 establishment.

25 2. A statement that the matter is being referred to
26 corporation counsel to be brought before an administrative
27 hearing officer, as defined in Sec. 6-31 of this Code, for
28 a hearing.

1 3. If the person in charge notifies the local liquor
2 control commissioner within three (3) days of receipt of
3 the notice and agrees to abate the nuisance within ten (10)
4 days, or take other agreed upon, timely, and warranted
5 measures, the local liquor control commissioner, at his
6 discretion, postpone referring the matter to corporation
7 counsel.

8 4. Service of notice shall be made either personally or by
9 first-class mail, postage prepaid, addressed to the person
10 in charge at the address of the nuisance property, or such
11 other place which is likely to give the person in charge
12 notice of the determination of the local liquor control
13 commissioner.

14 5. The failure of any person to receive notice, as provided
15 above, shall not invalidate or otherwise affect the
16 proceedings under this chapter.

17 (c) Citations alleging a violation of this chapter and orders
18 entered by the local liquor control commissioner which are
19 appealable to the Illinois Liquor Control Commission shall be
20 served on a licensee or applicant in the manner permitted under
21 section 10-25 of the Illinois Administrative Procedure Act (5
22 ILCS 100/10-25).

23 (d) In addition to the persons designated by law, service upon a
24 resident manager or other person in charge of the licensed
25 premises at the time service is made, shall constitute effective
26 service on the licensee.

27 ~~Any person violating any provisions of this chapter shall be~~
28 ~~finned not less than twenty five dollars (\$25.00), nor more than~~
29 ~~two thousand dollars (\$2,000.00), plus costs, for an offense,~~

1 ~~and a separate offense shall be deemed committed on each day~~
2 ~~during, or on which a violation occurs or continues.~~

3 (Code 1969, § 6-30; Ord. No. 086-5553, § 2, 9-2-86; Ord. No.
4 087-5622, § 1, 1-17-87; Ord. No. 008-105, § 1, 11-4-08; Ord. No.
5 010-030, § 1, 6-8-10)

6 Sec. 6-32. - Transition.

7 (a) Any liquor license in effect September 2, 1986, and which
8 is in a location which would not qualify for an issuance of a
9 liquor license under this chapter shall be renewed yearly so
10 long as the license remains in force.

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

22 (Code 1969, § 6-32(c), (d); Ord. No. 086-5553, § 2, 9-2-86; Ord.
23 No. 094-91, § 1, 9-6-94; Ord. No. 010-030, § 1, 6-8-10)

24 Sec. 6-33. - Nuisance prohibition.

25 (a) ~~General nuisance.~~ Alcohol related public nuisance. No
26 licensee shall allow its licensed establishment to become a
27 nuisance ~~as defined in this chapter.~~ or to be operated in a
28 manner to constitute a public nuisance. It is a public

1 nuisance for patrons, invitees or employees of a licensed
2 premise to engage in a pattern of nuisance activity as defined
3 in this chapter. All notices shall be subject to the
4 provisions in sec. 6-31.

5 1. Exclusions.

6 Alcohol-related public nuisance shall exclude the same
7 pursuant to Sec. 29-127.5 of the city code.

8 2. Procedure

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

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

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

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

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

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

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

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

19 3. Options of holder upon violation notice; hearing

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

24 1 If a pattern of alcohol-related public nuisance
25 activity has not been previously found to have
26 existed attributable to the alcoholic liquor
27 establishment, the holder of the license of the
28 alcoholic liquor establishment may notify the local

1 liquor control commissioner, in writing, that the
2 alcoholic liquor establishment agrees to institute
3 a nuisance abatement plan that meets the
4 requirements of this division by the deadline
5 stated on the violation notice which, upon
6 implementation of the approved plan, shall operate
7 as the final disposition of the violation notice;
8 or

9 2 By attending the hearing on the merits of the
10 violation notice at the time and date specified on
11 the violation notice or at which hearing the holder
12 of the license of the alcoholic liquor
13 establishment cited in a violation notice shall
14 have the opportunity to contest the merits of the
15 alleged violation.

16 b. Hearings shall be held in accordance to sec. 6-30.

17 4. Determination of liability.

18 a. A final determination that an alcoholic liquor
19 establishment is a public nuisance or is being
20 operated in a manner to constitute a public nuisance
21 shall occur following:

22 1 The failure by a person served with a violation
23 notice to attend the hearing to contest the alleged
24 violation in the time and manner specified in the
25 violation notice and the local liquor control
26 commissioner's determination of liability; or

27 2 The local liquor control commissioner's
28 determination of liability following a hearing.

1 b. Upon a final determination that an alcoholic liquor
2 establishment is a public nuisance or is being
3 operated in a manner to constitute a public
4 nuisance, the local liquor control commissioner may
5 require the alcoholic liquor establishment to
6 institute a nuisance abatement plan, may enter a
7 fine, may suspend the alcoholic liquor
8 establishment's license, or any combination thereof.

9 c. If an alcoholic liquor establishment fails to
10 implement or fails to comply with the requirements
11 of a nuisance abatement plan after having agreed or
12 having been ordered to implement a nuisance
13 abatement plan, the local liquor control
14 commissioner may, in addition to any other
15 authorized sanction, revoke the alcoholic liquor
16 establishment's license.

17 d. Upon a final determination that an alcoholic liquor
18 establishment is a public nuisance or is being
19 operated in a manner to constitute a public nuisance
20 after the implementation of a nuisance abatement
21 plan or the failure to implement a nuisance
22 abatement plan after having agreed or having been
23 ordered to do so, the local liquor control
24 commissioner may, in addition to any other
25 authorized sanction, revoke the alcoholic liquor
26 establishment's license.

27 5. Abatement plan.

28 A nuisance abatement plan for an alcoholic liquor
29 establishment shall, at a minimum, meet the following
30 requirements:

1 a. An exterior and interior safety plan approved by the
2 police chief or his/her designee or the local liquor
3 control commissioner designed to prevent:

4 1. Excessive noise by patrons, invitees or employees
5 entering or exiting the alcoholic liquor
6 establishment;

7 2. Loitering or littering by patrons, invitees or
8 employees of the alcoholic liquor establishment;
9 and

10 3. Fighting or other criminal activity by patrons,
11 invitees or employees of the alcoholic liquor
12 establishment.

13 b. An exterior lighting and video monitoring plan
14 approved by the police chief or his/her designee or
15 the local liquor control commissioner to include:

16 1. Video surveillance cameras (minimum 720p
17 resolution) installed at each building exit
18 utilized by the general public deployed in such a
19 manner so as to identify persons entering or
20 exiting the alcoholic liquor establishment from
21 dusk to closing time;

22 2. Digital or tape recording equipment which
23 captures the images recorded by the video
24 surveillance cameras and a system by which the
25 images are retained for a minimum for fourteen
26 (14) days. The plan shall include a requirement
27 that the images shall be made available to any

1 law enforcement officer requesting the images
2 pursuant to an official investigation;

3 3. Adequate exterior lighting to enable the video
4 surveillance cameras to record clear images of
5 persons entering or exiting the alcoholic liquor
6 establishment from dusk until closing time; and

7 4. The employment of adequately trained security
8 personnel to monitor the behavior of persons
9 entering or exiting the alcoholic liquor
10 establishment from dusk to closing time.

11 c. An interior plan restricting the access to alcohol by
12 the police chief or his/her designee or the local
13 liquor control commissioner to include:

14 1. Restricting access of alcoholic liquor sales and
15 storage by physical barrier that is separate from
16 the sale and storage of other merchandise offered
17 for retail sale at the licensed premises; or

18 2. Re-location of alcohol liquor sales and storage
19 to a different location of the
20 store/establishment to prevent theft or other
21 types of crime.

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

1 (b) *Habitually intoxicated persons nuisance.* No licensee shall
2 allow its licensed establishment to become a nuisance as
3 defined in this subsection by selling or giving alcoholic
4 liquor to known habitual drunkards.

5 (1) *Declaration of policy.* A person who is habitually
6 intoxicated may lack self-control as to the use of
7 alcoholic beverages and use such beverages to the extent
8 that their health is substantially impaired or endangered
9 and their social or economic functioning is substantially
10 disrupted. Such conduct is dangerous to the individual and
11 to others. It is in the interest of the health, safety and
12 welfare of the citizens of the City of Aurora to prohibit
13 the harmful conduct of habitually intoxicated persons, and
14 it is a reasonable exercise of the city's police powers to
15 enforce these provisions to prohibit a retailer from
16 selling alcoholic liquor to these habitually intoxicated
17 persons.

18 (2) *Definition.* A known habitually intoxicated person is a
19 person who, within the past one hundred eighty (180) days:

20 (i) Has been convicted of six (6) or more civil or
21 criminal offenses, in which the police reports or other
22 evidence indicate that the police officer who made the
23 arrest determined, based upon the training and
24 experience of the officer, that the person was under
25 the influence of alcohol at the time of the commission
26 of the offense, or

27 (ii) Has been transported and hospitalized six (6) or
28 more times under conditions where the person appeared
29 to be incapacitated by alcohol and in need of emergency
30 treatment, or

1 (iii) Has been subject to any combination of arrests and
2 convictions under subparagraph (i) and hospitalized
3 under subparagraph (ii) that equals or exceeds six (6)
4 times.

5 (iv) Where a person from the same incident has been both
6 convicted of a civil or criminal offense, as defined in
7 subparagraph (i), and has been hospitalized under
8 subparagraph (ii), both the arrest and the
9 hospitalization may be counted separately for the
10 calculation provided in subparagraph (iii).

11 (v) A person may voluntarily request that their name be
12 added to the list of known habitually intoxicated
13 persons. Such a request shall be made in writing and
14 shall be submitted to the police chief.

15 (3) *Maintenance of list.*

16 (i) The police chief or his designee shall maintain a
17 list of known habitually intoxicated persons and shall,
18 in his judgment, determine the format and content of
19 the list. The chief or designee shall periodically
20 review the format of the list. Whenever the chief
21 determines that a person meets the definition of a
22 known habitually intoxicated person, as provided in
23 subparagraph (2), the chief or designee shall cause the
24 name of that person to be placed on said list, as
25 provided in this section, along with a photograph of
26 the person, which reasonably represents the likeness of
27 the person.

28 (ii) Petition for removal. If one hundred and eighty
29 (180) days have passed from the time the name of a
30 person has been placed on the list, and the person has

1 not either been convicted of an offense under
2 subparagraph (2)(i), or has not been hospitalized
3 during that one hundred eighty (180) day period, that
4 person may petition the chief to remove their name from
5 the list, pursuant to this Section, by filing a written
6 request with the city clerk, stating that they qualify
7 for removal from the list. Upon verification that
8 within the past one hundred eighty (180) days the
9 person has not either been convicted of an offense
10 under subparagraph (2)(i), or has not been hospitalized
11 during that one hundred eighty (180) day period, the
12 chief shall remove the name of the person from the
13 list.

14 (iii) Removal by chief. On or about January 1 of each
15 year, the chief or his designee shall review the list
16 of known habitually intoxicated persons, and shall
17 remove the names of all persons who during the prior
18 six (6) months, has not been convicted of an offense
19 under subparagraph (2)(i) and who has not been
20 hospitalized.

21 (4) Notice. When the chief or designee determines that a
22 person meets the definition of a known habitually
23 intoxicated person, the chief or designee shall provide
24 the person with a written notice, prepared by the chief or
25 designee, that their name will be placed on the list of
26 known habitually intoxicated persons. The notice shall
27 inform the person of their right to appeal the
28 determination of the chief or designee as provided in this
29 section. The chief or designee shall keep a record of the
30 date and time that the person was provided with such
31 written notice.

1 (5) *Appeals.*

2 (i) A person who has been informed in writing by the
3 chief or designee that their name will be placed on the
4 list of known habitually intoxicated persons, may
5 appeal the determination of the chief or designee by
6 filing a written objection with the city clerk within
7 five (5) business days of receiving the notice from the
8 chief or designee. The content of an appeal shall be
9 liberally construed so that, as long as the person
10 appealing provides timely written notice that states
11 that he or she objects to being placed on the list of
12 known habitually intoxicated persons, the appeal shall
13 be deemed to be in proper form.

14 (ii) Hearing officer. The local liquor control
15 commissioner or the local liquor hearing officer shall
16 serve as hearing officer for appeals under this
17 section, and shall have authority to conduct hearings
18 upon the filing of a written objection as provided
19 herein.

20 (iii) Authority of hearing officer. The hearing officer
21 shall have the authority to administer oaths and shall
22 be responsible for the fair, orderly and impartial
23 conduct of the hearing and the preservation of the
24 exhibits and record therein.

25 (iv) Procedure. All proceedings and testimony shall be
26 recorded on tape. A copy of the tape recordings shall
27 be supplied to anyone requesting the same at the
28 requestor's expense. If either party requests a
29 stenographic recording and transcription, the hearing

1 officer shall make the necessary arrangements, but the
2 expense shall be borne by the requesting party.

3 (v) Standard of proof. In the hearing, the chief or
4 designee shall have the burden of proving by a
5 preponderance of the evidence that the person has been
6 convicted of six (6) or more civil or criminal
7 offenses, where the police reports or other evidence
8 indicate that the person was under the influence of
9 alcohol at the time of the commission of the offense;
10 or that the person has been hospitalized six (6) or
11 more times under conditions where the person appeared
12 to be incapacitated by alcohol and in need of emergency
13 treatment; or has been subject to any combination of
14 convictions and hospitalizations that equals or exceeds
15 six (6) times. If after the hearing, the hearing
16 officer finds that there is not a preponderance of
17 evidence of any combination of six (6) convictions or
18 hospitalizations, as provided herein, the hearing
19 officer shall enter an order granting the appeal and
20 the chief or his designee shall remove the person's
21 name from the list of known habitually intoxicated
22 persons. If after the hearing, the hearing officer
23 finds that there is a preponderance of the evidence
24 that the person has been subject to any combination of
25 six (6) or more convictions or hospitalizations, the
26 hearing officer shall deny the appeal and the chief or
27 his designee shall retain the persons' name on the list
28 of known habitually intoxicated persons.

29 (vi) Finality of appeal. All orders of the hearing
30 officer shall be final administrative determinations
31 and shall be subject to review in court as by law may

1 be provided from time to time. Any party to the
2 proceeding may seek review thereof within thirty (30)
3 days of service by mail of the final determination of
4 the hearing officer. In addition, written notice of any
5 request for judicial review shall be given by the party
6 seeking review to all parties who appeared at the
7 proceeding before the hearing officer, with said notice
8 to be sent by first class mail to each party's last
9 known address. The institution of the proceeding for
10 judicial review shall not stay the decision and order
11 of the hearing officer; however, the reviewing court
12 may order a stay upon such terms as it deems proper.

13 (6) *Distribution of list.* The city clerk shall distribute
14 the list of known habitually intoxicated person to each
15 class of licensee in the city on a semi-annual basis.

16 (7) *Retailers prohibited.* It shall be unlawful for any
17 licensee to sell, dispense, give away or aid and abet the
18 receipt of alcoholic liquor beverages to a person whose
19 name and photograph appears on the list of known
20 habitually intoxicated persons. To aid and abet the
21 receipt of alcoholic liquor means to sell, dispense or
22 give alcoholic liquor to anyone the licensee knows or
23 should know is receiving any portion of alcoholic liquor
24 on behalf of or for the benefit of a known habitually
25 intoxicated person. If the city clerk has provided a copy
26 of the most current list to the licensee, at the address
27 of the licensee as listed by the city clerk, it shall not
28 be a defense that the licensee did not have a copy of the
29 most current list. If a licensee has no prior convictions
30 for violation of this section, and has not previously
31 received a warning, the local liquor commissioner shall

1 formally warn the licensee that any future violations will
2 result in a liquor violation hearing. The city clerk shall
3 be responsible for maintaining a list of those licensees
4 who have received warnings under this section.

5 (8) *Review.* The chief or designee shall annually review to
6 ascertain the efficacy of this section in deterring
7 alcohol consumption by habitually intoxicated persons.

8 (9) *Penalty.* Penalty for violation of this section shall be
9 as provided in this chapter.

10 (Ord. No. 093-62, § 2, 8-3-93; Ord. No. 010-030, § 1, 6-8-10;
11 Ord. No. 015-053, 8-25-15)

12 Sec. 6-34. - Prohibited conduct.

13 (a) It shall be unlawful for any licensee to allow or permit
14 any lewdness or soliciting for prostitution on the licensed
15 premises.

16 (b) The following kinds of conduct are prohibited:

17 (1) The performance of acts, or simulated acts, of sexual
18 intercourse, masturbation, sodomy, bestiality, oral
19 copulation, flagellation or any sexual acts.

20 (2) The actual or simulated touching, caressing or fondling
21 of the breast, buttocks, anus or genitals.

22 (3) The actual or simulated displaying of the breasts,
23 buttocks, pubic hair, anus, vulva or genitals.

24 (4) The permitting, by a licensee, of any person to remain
25 in or upon the licensed premises who exposes to public
26 view his or her entire breasts or genitals, vulva or anus.

1 (5) The displaying of moving pictures, photographs,
2 photographic slide presentations or computerized
3 presentations depicting acts or simulated acts of sexual
4 intercourse, masturbation, sodomy, bestiality, oral
5 copulation, flagellation or any sexual act.

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

11 (Ord. No. 093-76, § 1, 9-21-93; Ord. No. 094-91, § 1, 9-6-94;
12 Ord. No. 002-158, § 13, 12-10-02; Ord. No. 010-030, § 1, 6-8-10)

13 ARTICLE II. - LOCAL LIQUOR CONTROL HEARING OFFICER

14 Sec. 6-35. - Creation and purpose.

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

21 (Ord. No. 014-021, § 2, 5-13-14)

22 Sec. 6-36. - Hearing officer.

23 All liquor control hearing officers shall be appointed by the
24 liquor commissioner and confirmed by the city council. A hearing
25 officer shall not have any ownership interest in, or be employed
26 by, any licensed establishment, nor have a spouse, parent,

1 sibling, or child that has, or acquires any ownership interest
2 in, or is employed by, any licensed establishment.

3 (Ord. No. 014-021, § 2, 5-13-14)

4 Sec. 6-37. - Powers and duties.

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

8 (1) To conduct ~~disciplinary~~ hearings at the request of the
9 corporation counsel and/or the liquor commissioner and to
10 submit findings and recommendations to the liquor
11 commissioner setting forth his conclusions respecting the
12 existence and nature of any violation of this chapter. If
13 the liquor commissioner chooses to vary from the
14 recommendation of a liquor control hearing officer, he
15 will provide his reasoning to him. Each hearing officer
16 shall receive a copy of all final decisions of the liquor
17 commissioner.

18 (2) To create a written record of his meetings and
19 proceedings which shall be open to the public in
20 accordance with the Illinois Freedom of Information Act, 5
21 ILCS 140/1, et seq., provided that such records shall not
22 include matters concerning the applicants or licensees
23 which could result in an invasion of privacy. All such
24 records shall be forwarded to the city clerk within thirty
25 (30) days of approval and kept by the city clerk.

26 (3) To assist the liquor commissioner in the performance of
27 his powers and duties as requested by the liquor
28 commissioner.

1 (4) As compensation for said duties, a hearing officer shall
2 be paid seventy-five dollars (\$75.00) for hearings that
3 are of a duration of up to ninety (90) minutes, and one
4 hundred fifty dollars (\$150.00) total compensation for
5 hearings in excess of ninety (90) minutes duration.

6 (Ord. No. 014-021, § 2, 5-13-14)