

CITY OF AURORA, ILLINOIS
ORDINANCE NO. _____
DATE OF PASSAGE _____

**AN ORDINANCE AMENDING CHAPTER 6 OF THE
CITY OF AURORA CODE OF ORDINANCES ENTITLED “ALCOHOLIC LIQUOR”**

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the City of Aurora to amend its ordinances regarding alcoholic liquor.

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

Section One: That various sections of Chapter 6, Article 1 of the City of Aurora Code of Ordinances be and hereby are amended as follows:

ARTICLE I. IN GENERAL

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Sec. 6-2. Definitions.

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

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

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

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

(a) It shall be unlawful for any person to sell or offer for sale at retail in the corporate limits of the city any alcoholic liquor without a retailer's license. This license shall allow the licensee to sell or offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form. No such license hereunder may be transferable between any persons, premises, locations, or entities.

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

Sec. 6-5. - Application for license.

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

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

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

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

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

c. In the case of a corporation the name, address, date of birth and place of birth of all officers, directors and persons owning directly or beneficially stock of such corporation.

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

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

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

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

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

b. If a foreign corporation, the date of becoming qualified to transact business under the Business Corporation Act of 1983 [Ill. Rev. Stat. [Ch. 32](#), ¶ 1.01 et seq.] to transact business in the state shall be provided.

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

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

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

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

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

(7) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter contained in this chapter, laws of this state or the ordinances of this city.

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

~~(b)~~(c) The application shall be sworn to by the applicant, if an individual, and by at least two (2) members of any partnership applying for such a license. Applications by corporations shall be subscribed and sworn to by the president of said corporation and attested to by the secretary of the corporation for that purpose. Applications by limited liability companies shall be subscribed and sworn to by the principal member or managing member of said company and attested to by a valid notary public.

~~(e)~~(d) The applicant must produce proof of dram shop liability insurance at the required statutory maximum limits set forth in [section 6-21](#) of the Liquor Control Act of 1934 [Ill. Rev. Stat. [Ch. 43](#), ¶ 135] as amended from time to time.

~~(d)~~(e) The applicant shall complete and file a certificate of registration application with the city and produce the appropriate bonds pursuant to [section 44-124](#).

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

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

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

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

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

~~(j)~~(k) In the event that the local liquor control commissioner refuses to grant a license, he shall place on file in his office the rejected application and a document setting forth reasons for his refusal to grant the license. Copies of the rejected application and the document setting forth the reasons for refusal shall also be served by certified mail upon the applicant for the license at the address stated on the license application. The rejected applicant may, within ten (10) days from the receipt of said notice of rejection, request a hearing before the local liquor control commissioner, at which time all interested parties shall be heard.

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

(m) No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this chapter nor knowingly cause or suffer another to furnish or withhold such information on his behalf. No person shall knowingly furnish any false or misleading information in the investigation of any application for a license required by this chapter. No person shall willfully withhold any information that is relevant to any such investigation when called upon by any city representative to furnish such information. The furnishing of false or misleading information or withholding any relevant information on any application for any license required by this chapter shall be grounds for denial of any such application, or if discovered after the issuance of any such license, shall be grounds for a fine and/or suspension or revocation of the license.

(n) All applicants shall provide information with their application detailing any and all camera equipment located on the interior and/or exterior of the applicant's premises as the police department may request, and further, all applicants shall agree by signature on the application that they shall cooperate fully with the aurora police department in providing all video pursuant to any police

investigation during the term of any liquor license granted.

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

Sec. 6-6. - Restrictions on licenses.

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

~~(1) — A person who is not a resident of the city or any partnership in which any partner is not a resident of the city. This requirement shall not apply to the officers of a corporation.~~

~~(1)(2)~~ A person who is indebted to the city or other governmental entity for payment of any fees, fines, charges, bills or taxes which he is obligated to pay but have remained unpaid for more than forty-five (45) days.

~~(2)(3)~~ A person who has been convicted of a felony under any federal or state law, irrespective of the nature of the offense, unless the Local Liquor Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the internal investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

~~(3)(4)~~ A person who has been convicted of a violation of any federal, state or city law concerning the manufacture, possession, consumption or sale of alcoholic liquor including any misdemeanor and traffic violation relating to the same, or has forfeited his bond to appear in court to answer to any charges for any violation.

~~(4)(5)~~ A person who is not of good character and reputation in the community in which he resides. For the purpose of this chapter, any person who within ~~one (1)~~ five (5) years of application for any liquor license has been convicted of, plead guilty to, or been placed on supervision for any liquor related offense, including driving under the influence of alcohol, shall be considered not of good character and reputation including, without limitation, persons convicted of committing a crime of moral turpitude.

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

~~(6)(7)~~ A corporation, if any officer, manager or director thereof, or any stockholders owning stock of such corporation, would not be eligible to receive a license hereunder for any reason.

~~(7)(8)~~ A corporation or limited liability company, unless it is incorporated or organized in Illinois or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to transact business in Illinois.

~~(8)(9)~~ A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

~~(9)(10)~~ A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.

~~(10)~~(11) A person, firm or corporation not eligible for a state retail liquor dealer's license.
~~(11)~~(12) Any application person who fails to obtain or maintain a state liquor license during the term of the license.

~~(12)~~(13) Any person who has not posted bond pursuant to the city's food and beverage tax, pursuant to [section 44-124](#).

~~(13)~~(14) Any person who cannot produce proof of dram shop insurance.

~~(14)~~(15) Any licensee person that has property maintenance, fire, building or other code violations upon the premises for which the establishment is licensed.

~~(15)~~(16) Any licensee person that has failed to obtain an operational permit to operate a place of assembly above or below grade or with a capacity of six hundred (600) occupants or more, pursuant to [chapter 17](#) of this Code.

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

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

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

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

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

(b) Completed Applications for renewal of a liquor license must be filed with the local liquor control commissioner or his/her designee not less than ~~thirty (30)~~fourteen (14) days prior to the date for which the license is to expire. Applications for renewal submitted after the due date shall be assessed a fifty dollar (\$50.00) late fee.

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

(1) Copy of the current lease or proof of ownership, i.e. deed. For purposes of this section, a licensee is still required to provide a copy of a multi-year lease even if said lease is same as one provided with initial application.

(2) Copy of the current dram shop insurance (liquor liability insurance) showing the City of Aurora as the Certificate Holder.

(3) Current certificate of good standing from the Secretary of State.

(4) Copy of the applicable County Department of Health Certificate.

(5) Copy of menu, if applicable.

(6) Copy of current State of Illinois liquor license.

(7) Copy of current State-certified Beverage Alcohol Sellers/Servers Training (BASSET)

certificates.

(8) Current list of names, dates of births and addresses of officers and members (Class B license holders only.

(9) Full amount of the annual License Fee required for relevant classification.

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

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

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

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

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

Sec. 6-8. Classification of licenses.

There shall be the following classification of licenses:

(1) *Class A—Tavern license.*

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

b. Authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption off the premises where sold only during the hours authorized for the sale of packaged liquor under subsection 6-27(a)(2)28.

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

d. It shall be unlawful for any person under the age of twenty-one (21) years to be present in a Class A- Tavern during the times that alcoholic liquor is sold. If the license is issued for a business which is not predominantly for the sale of alcoholic liquor, such as bowling alleys, this paragraph shall apply only to the room or area set aside for the sale and consumption of alcoholic liquor; provided that persons under the age of twenty-one (21) years may be present in said licensed premises for the purpose of eating a meal so long as they are accompanied by a parent, guardian or spouse twenty-one (21) years of age or older.

e. No person, except peace officers in the performance of law enforcement duties, the licensee and his employees or agents actually working, shall be present in a Class A-Tavern between the hours of closing and the hour of opening as established in this chapter, provided, that if the license is issued for a business which is not predominantly for the sale of alcoholic liquor

such as bowling alleys, this paragraph shall apply only to the room or area set aside for the sale and consumption of alcoholic liquor.

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

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

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

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(5) *Class E—Restaurant license.*

a. *Class E—Full menu restaurant license*

a1. Authorizes the licensee to sell to the general public alcoholic liquor by the drink for consumption on the premises where sold, and not for resale in any form, provided that such sales shall be only in conjunction with the sale of food for consumption on the premises.

b2. Authorizes the licensee to sell to the general public alcoholic liquor by the drink, for consumption off the premises, when participating in a city-sponsored event and with the approval of the liquor control commissioner.

c3. Service of alcoholic liquor shall be only during the time that food is prepared on the premises and is available to be served and a menu, approved by the liquor commissioner is in effect.

d4. A cook or chef shall be employed at all times that the establishment is open for business. The primary duties of said cook or chef shall not include bartending or the serving of alcoholic liquor.

e5. Authorizes the licensee to sell to the general public alcoholic liquor in original packages only for consumption at a private party when the food for said party is catered by the licensee.

f6. The license shall only be available for premises defined as a restaurant herein that has a minimum seating capacity of one hundred twenty-five (125) seats on the same floor or level, non-inclusive of the seating around a bar used for alcoholic liquor consumption, except as provided in this subsection, with tables or booths occupying at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business. In a shopping center, as defined above, a new license shall also be

available for premises defined as restaurants herein that have a minimum seating capacity of seventy-five (75) seats on the same floor or level, non-inclusive of the seating around a bar used for alcoholic liquor consumption, with tables and booths occupying at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business. In the downtown, the license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of forty-eight (48) seats on the same floor or level, non-inclusive of the seating around a bar used for alcoholic liquor consumption, so long as such tables or booths shall occupy at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business.

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

~~h~~ No cover charge, admission charge or other type of charge may be made to enter the premises of a restaurant, except for a properly designated lounge. Admission may be charged to the lounge only, at the lounge entrance itself, and only when live acts are performing. Live acts shall include, but are not limited to, vocal soloists or groups, instrumental soloists or groups or spoken word soloists or groups. Acts consisting primarily of recorded vocal, instrumental or spoken word soloists or groups, such as disc jockeys, are not considered to be live entertainment for the purposes of imposing a cover charge

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

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

~~k~~10 No difference in pricing may be assessed for food and beverage items between the restaurant and the lounge.

~~l~~—The annual fee for a Class E license shall be two thousand, seventy dollars (\$2,070.00).

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

1. All of the requirements for full menu license apply, provided however, that between the hours of 9:00 p.m. and closing Sunday through Thursday, and

between the hours of 10:00 p.m. and closing on Friday and Saturday, a limited menu of five (5) hot food items from the full menu, at least two (2) of which must be a hot sandwich plate or similar, shall be served.

2. A certified Food Preparer must prepare all limited menu items on premises, be present at all times during the sale of alcoholic liquor, and while a lounge on the premises is open.

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

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

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

a1. Authorizes the licensee to sell to the general public beer and wine by the drink for consumption on the premises; provided, that such sales shall be in conjunction with the sale of food for consumption on the premises.

b2. The license shall only be available for premises defined as a restaurant herein that has a minimum seating capacity of seventy-five (75) seats on the same floor, except as provided in this subsection. In the downtown and in shopping centers, as defined herein, the license shall also be available for premises defined as restaurants herein that have a minimum seating capacity of thirty (30) seats on the same floor or level so long as such tables or booths shall occupy at least fifty (50) percent of the public area of the licensed premises at all times of operation of the business.

e3. All liquor service shall be at tables or booths. No bar or lounge shall be available for customer use.

d4. A cook or chef shall be employed at all times that the establishment is open for business. The primary duties of said cook or chef shall not include the serving of alcoholic liquor.

e5. Service of alcoholic liquor shall be only during the time that food is available to be served and an approved menu is in effect.

f6. The annual fee for a Class F license shall be one thousand, eight hundred fifteen dollars (\$1,815.00).

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

a1. Authorizes the licensee to sell to the general public beer and wine in

original packages only for consumption off the premises; provided, that such sale shall be in conjunction with sales of food for consumption off the premises.

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

~~e~~3. This license shall not be available for any Class F - Beer and Wine Restaurant License that would be required to obtain a Special Use Permit pursuant to subsection 6-13(d)(2) of this Code.

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

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

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

~~a~~1. Authorizes the licensee to sell to the general public beer and wine in original packages only, for consumption off the premises where sold.

~~b~~2. Samples of wine may from time to time be served on said premises with the prior written permission of the local liquor control commissioner.

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

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

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

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

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

sold, only during the time that gasoline is also sold.

2. This license shall not be available in the RiverEdge Redevelopment Plus Zone, and shall only be available for establishments that have at least three thousand (3,000) square feet of retail space, which primary purpose is other than the sale of alcoholic liquors, and which sells at least five (5) of the seven (7) following categories of products: dairy, baked goods, frozen goods, groceries, snack foods, health aids, beauty aids. Retail space for purposes of this license is defined as the interior floor space within the licensee establishment that is exclusively utilized for the retail sale of products, not services. Upon receipt of a Class G-1 license, a maximum of ten percent (10%) of available floor space shall be utilized by licensee for the sale of alcoholic liquor as provided herein.
3. A license shall only be granted to establishments that do not provide video gaming services on the premises.
4. Individual cans/bottles of beer shall not be sold by licensee, beer shall be sold only in six-pack portions.

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

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

- a. Authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold, and not for resale in any form.
- b. It shall be unlawful for any person under the age of twenty-one (21) years to be present in any lounge.
- c. The license shall only be available for premises defined as a ~~riverboat~~ casino facility.
- d. The licensee may apply for an additional license under this class to operate a members-only lounge in which it may sell alcoholic liquor solely to members and their guests by the drink, for consumption on the premises where sold, and not for resale in any form. ~~Alcoholic liquor may be sold or consumed within said lounge beginning one half (1/2) hour prior to the scheduled boarding of the first boat of the day, but in no event earlier than 8:00 a.m., and ending one half (1/2) hour after the last boat of the day is scheduled to return to the riverboat facility notwithstanding the provisions of section 6-27.~~

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

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

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

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

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

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

d. Due to the express use by the registered guests of the Class M--Hotel (limited service), the hours of operation for this classification shall be limited to ~~4~~12:00 p.m. - ~~10~~12:00 pa.m. each day of the week.

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

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

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

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

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

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

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

- e. The license shall only be available to businesses that sell more than fifty (50) percent of their total alcohol receipts in wine sales.
- f. No establishments which sell gasoline may be issued a Class N liquor license.
- g. The annual fee for a Class N license shall be two thousand, seventy dollars (\$2,070.00).

(15) Class O—Banquet Hall license.

- a. Authorizes the licensee to serve alcoholic liquor by the glass only to attendees of a banquet on the premises while guests are seated at tables.
- b. All alcoholic liquor served must be by Bassett trained employees of the licensee.
- c. Live musical entertainment or DJ entertainment may be provided incidental to the banquet.
- d. The annual fee for a Class O license shall be two thousand seventy dollars (\$2,070.00).

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

- (a) The city council shall determine, by ordinance or resolution, the number of licenses available in each classification. (This limitation shall not apply to temporary permits issued by the local liquor control commissioner under section 6-10 of this chapter.) In addition, the city council may regulate the number of licenses by considering various factors, including, without limitation, geographical areas within the city. Neither the local liquor control commissioner nor any other person or entity may issue liquor licenses in a number that is in excess of the number authorized by the city council. A schedule of the currently authorized number of licenses available shall be maintained by the city clerk for the local liquor control commissioner.
- (b) The fee for each class of license shall be determined, from time to time, by separate ordinance or resolution of the city council.
- (c) The annual fee hereinabove designated for said liquor license shall be due and payable prior to the expiration of the current year's license; ~~provided, that the licensee may choose to pay said annual fee in three (3) installments due prior to January 1, May 1, and September 1. For those licensees paying in three (3) installments, a handling fee in the amount of twenty-five dollars (\$25.00) shall be added to the second and third installment payments.~~
- (d) The fee hereinabove designated for the liquor license shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of a new license.

(e) No part or portion of any fee paid under this section shall be refundable for any purpose.

(f) Upon any license becoming forfeited, void or revoked for any reason, the number of available licenses in that classification shall automatically and immediately be reduced by one.

* * * * *

Sec. 6-15. - Entertainment.

(a) Entertainment shall be allowed for all licenses that allow for consumption of alcoholic liquor on the premises, ~~under this chapter, except those locations in the residential areas listed under section 6-13(e)(1).~~

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

(1) Entertainment shall be confined to a designated stage area that is separate from the audience or in a designated lounge area.

(2) Dancing by patrons and customers shall be allowed only in areas specifically designated for dancing.

(3) Entertainers at Class A-Tavern establishments shall be at least twenty-one (21) years of age.

(4) Entertainers may not solicit alcoholic beverages from customers or patrons of the establishment in which the entertainer is performing.

(5) Entertainment for purposes of this chapter may consist of live acts, such as vocal soloists or groups, instrumental soloists or groups or spoken word soloists or groups, disc jockeys, karaoke, and pay-per-view streamed events.

(c) Admission may be charged to the lounge only, at the lounge entrance itself, and only when entertainment is provided. No cover charge, admission charge or other type of charge may be charged to enter the premises of a restaurant.

~~(e)~~(d) No licensee shall allow the sale, modeling or display of lingerie, swimwear or sexually explicit clothing on the licensed premises.

(e) No licensee shall allow entertainment of a sexual nature, including, without limitation, mud wrestling or wrestling in any other medium or erotic, topless or nude dancers.

(f) Licensee shall notify the local liquor control commissioner or his designee at least five (5) business days in advance of any entertainment, giving the name and nature of the entertainment and the timeframe in which the entertainment will take place at the licensee establishment.

* * * * *

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

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

(b) Each licensee shall have the duty to maintain a peaceful and orderly business premises. This is referred to as the “Maintenance of Order” standard. This shall be accomplished by establishing and maintaining the optimum precautions and actions that are practical to deter and prevent fighting, including, without limitation, hiring extra security and routine training to servers and security personnel on deterring or preventing fights. The duty to prevent fighting shall be applicable both to precautionary and training matters and to the steps taken once fight breaks out or is in imminent danger of breaking out. In determining whether a violation of this section has occurred, the local liquor control commissioner may consider the following matters, among others:

- (1) Prior incidents of reported or unreported fighting.
- (2) Whether any fight participant was impaired and the extent to which the impairment occurred on the premises.
- (3) Whether any participant was served by the licensee after the participant’s impairment should have been evident to the licensee.
- (4) Whether any participant was impaired and whether the licensee had an opportunity to effect that person’s removal from the premises.
- (5) The degree of expediency the licensee observed in calling the police when it should have been evident that a fight was imminent.
- (6) The actions of the licensee in reacting to the fight.
- (7) The extent and type of training given to the licensee’s employees in such matters as recognizing impairment, over-serving and prevention of altercations.
- (8) Whether minors were involved in fighting.
- (9) The sufficiency or number of persons on duty and employed by the licensee at the time of the fight.

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

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

- (1) The licensee shall notify the police department immediately when the licensee knows or, in the exercise of ordinary judgment, should know that a fight is occurring or imminent.
- (2) Within forty-eight (48) hours of the occurrence, the licensee shall file with the local liquor control commissioner a report containing the following information:
 - (i) The number of persons involved in the fight;
 - (ii) The approximate amount of alcohol consumed on the premises by each person involved in the fight;
 - (iii) What action, if any, was taken by the licensee to prevent the fight;
 - (iv) What action, if any, was taken by licensee after the fight began;

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

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

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

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

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

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

b. The licensee shall keep the parking area clear of litter and debris and keep all properties adjacent to the licensed premises clear of alcoholic liquor containers to the extent allowed by adjacent property owners.

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

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

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

* * * * *

Sec. 6-19. - Change of location.

A liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. However, such location may be changed ~~provided the following criteria are~~

~~met: only with submission of a new application along with required documentation.~~

- ~~(1) That a payment be made in the amount of fifty dollars (\$50.00)~~
- ~~(2) That the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the state and the ordinances of the city.~~
- ~~(3) That a written application be provided with proof of lease or ownership of the new location.~~
- ~~(4) That written permission be given by the local liquor control commissioner authorizing such change in location.~~

* * * * *

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

(a) No person shall consume any alcoholic liquor in any public location or place, including, without limitations, retail store locations, within the city except on the premises licensed for the retail sale and consumption of alcoholic liquors except as hereinafter provided. For purposes of this section, the prohibition applies to all possession or consumption of alcohol, regardless of whether the alcohol consumed was sold on premises or was provided by someone other than the owner or lessee of the premises.

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

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

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

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

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Section 6-28. Hours of Operation.

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

Day	Hours
Monday through Thursday:	6:00 a.m. to 1:00 a.m. the following day
Friday and Saturday:	6:00 a.m. to 2:00 a.m. the following day
Sunday:	12:00 noon to 1:00 a.m. the following day

The days before:	
Thanksgiving Day	6:00 a.m. to 2:00 a.m. the following day
New Year's Day	6:00 a.m. to 2:00 a.m. the following day

(2) Licensees holding Class A-Tavern, Class C-Package Liquor or Class G-Package Beer and Wine Liquor licenses may sell or permit to be sold for consumption off the premises, alcoholic liquor only between the following hours, except as provided in 6-28(a)(3):

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:	10:00 a.m. 9:00 a.m. to 12:00 midnight

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

(3)(4) Due to the ~~scheduled departures of riverboats~~ primarily entertainment and exclusive nature of this use, the Class L licensee may sell or permit to be sold or consumed on or in its licensed premises, alcoholic liquor beginning ~~one half (1/2) hour prior to the scheduled boarding of the first boat of the day,~~ but in no event earlier than 6:00 a.m. and ending ~~one-half (1/2) hour after the scheduled departure of the last boat,~~ but in no event later than 2:00 a.m.; however, alcohol may not be sold or consumed prior to noon on Sundays except in conjunction with a meal.

* * * * *

Sec. 6-33. Nuisance prohibition.

(a) General nuisance No licensee shall allow its licensed establishment to become a nuisance as defined in this chapter.

(b) Habitually intoxicated persons nuisance No licensee shall allow its licensed establishment to become a nuisance as defined in this subsection by selling or giving alcoholic liquor to known habitually intoxicated persons.

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

persons.

2. Definition A known habitually intoxicated person is a person who, within the past one hundred eighty (180) days:
 - (i) Has been convicted of six (6) or more civil or criminal offenses, in which the police reports or other evidence indicate that the police/peace officer who made the arrest determined, based upon the training and experience of the officer, that the person was under the influence of alcohol at the time of the commission of the offense, or
 - (ii) Has been transported and hospitalized six (6) or more times under conditions where the person appeared to be incapacitated by alcohol and in need of emergency treatment, or
 - (iii) Has been subject to any combination of arrests and convictions under subparagraph (i) and hospitalized under subparagraph (ii) that equals or exceeds six (6) times.
 - (iv) Where a person from the same incident has been both convicted of a civil or criminal offense, as defined in subparagraph (i), and has been hospitalized under subparagraph (ii), both the arrest and the hospitalization may be counted separately for the calculation provided in subparagraph (iii).
 - (v) A person may voluntarily request that their name be added to the list of known habitually intoxicated persons. Such a request shall be made in writing and shall be submitted to the police chief.

3. Maintenance of list
 - (i) The police chief or his designee shall maintain a list of known habitually intoxicated persons and shall, in his judgment, determine the format and content of the list. The chief or designee shall periodically review the format of the list. Whenever the chief determines that a person meets the definition of a known habitually intoxicated person, as provided in subparagraph 2, the chief or designee shall cause the name of that person to be placed on said list, as provided in this Section, along with a photograph of the person, which reasonably represents the likeness of the person.
 - (ii) Petition for removal If one hundred and eighty (180) days have passed from the time the name of a person has been placed on the list, and the person has not either been convicted of an offense under subparagraph 2(i), or has not been hospitalized during that one hundred eighty (180) day period, that person may petition the chief to remove their name from the list, pursuant to this Section, by filing a written request with the City Clerk, stating that they qualify for removal from the list. Upon verification that within the past one hundred eighty (180) days the person has not either been convicted of an offense under subparagraph 2(i), or has not been hospitalized during that one hundred eighty (180) day period, the chief shall remove the name of the person from the list.
 - (iii) Removal by chief On or about January 1 of each year, the chief or his designee shall review the list of known habitually intoxicated persons, and

shall remove the names of all persons who during the prior six (6) months, has not been convicted of an offense under subparagraph 2(i) and who has not been hospitalized.

4. Notice When the chief or designee determines that a person meets the definition of a known habitually intoxicated person, the chief or designee shall provide the person with a written notice, prepared by the chief or designee, that their name will be placed on the list of known habitually intoxicated persons. The notice shall inform the person of their right to appeal the determination of the chief or designee as provided in this Section. The chief or designee shall keep a record of the date and time that the person was provided with such written notice.
5. Appeals
 - (i) A person who has been informed in writing by the chief or designee that their name will be placed on the list of known habitually intoxicated persons, may appeal the determination of the chief or designee by filing a written objection with the City Clerk within five (5) business days of receiving the notice from the chief or designee. The content of an appeal shall be liberally construed so that, as long as the person appealing provides timely written notice that states that he or she objects to being placed on the list of known habitually intoxicated persons, the appeal shall be deemed to be in proper form.
 - (ii) Hearing officer The Local Liquor Control Commissioner or the Local Liquor Hearing Officer shall serve as hearing officer for appeals under this Section, and shall have authority to conduct hearings upon the filing of a written objection as provided herein.
 - (iii) Authority of hearing officer The hearing officer shall have the authority to administer oaths and shall be responsible for the fair, orderly and impartial conduct of the hearing and the preservation of the exhibits and record therein.
 - (iv) Procedure All proceedings and testimony shall be recorded on tape. A copy of the tape recordings shall be supplied to anyone requesting the same at the requestor's expense. If either party requests a stenographic recording and transcription, the hearing officer shall make the necessary arrangements, but the expense shall be borne by the requesting party.
 - (v) Standard of proof In the hearing, the chief or designee shall have the burden of proving by a preponderance of the evidence that the person has been convicted of six (6) or more civil or criminal offenses, where the police reports or other evidence indicate that the person was under the influence of alcohol at the time of the commission of the offense; or that the person has been hospitalized six (6) or more times under conditions where the person appeared to be incapacitated by alcohol and in need of emergency treatment; or has been subject to any combination of convictions and hospitalizations that equals or exceeds six (6) times. If after the hearing, the hearing officer finds that there is not a preponderance of evidence of any combination of six(6) convictions or hospitalizations, as provided herein, the hearing officer shall enter an order granting the appeal and the chief or his designee shall

remove the person's name from the list of known habitually intoxicated persons. If after the hearing, the hearing officer finds that there is a preponderance of the evidence that the person has been subject to any combination of six (6) or more convictions or hospitalizations, the hearing officer shall deny the appeal and the chief or his designee shall retain the persons' name on the list of known habitually intoxicated persons.

(vi) Finality of appeal All orders of the hearing officer shall be final administrative determinations and shall be subject to review in court as by law may be provided from time to time. Any party to the proceeding may seek review thereof within thirty (30) days of service by mail of the final determination of the hearing officer. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding before the hearing officer, with said notice to be sent by first class mail to each party's last known address. The institution of the proceeding for judicial review shall not stay the decision and order of the hearing officer; however, the reviewing court may order a stay upon such terms as it deems proper.

6. Distribution of list The City Clerk shall distribute the list of known habitually intoxicated person to each class of licensee in the city on a semi-annual basis.
7. Retailers prohibited It shall be unlawful for any licensee to sell, dispense, give away or aid and abet the receipt of alcoholic liquor beverages to a person whose name and photograph appears on the list of known habitually intoxicated persons. To aid and abet the receipt of alcoholic liquor means to sell, dispense or give alcoholic liquor to anyone the licensee knows or should know is receiving any portion of alcoholic liquor on behalf of or for the benefit of a known habitually intoxicated person. If the City Clerk has provided a copy of the most current list to the licensee, at the address of the licensee as listed by the City Clerk, it shall not be a defense that the licensee did not have a copy of the most current list. If a licensee has no prior convictions for violation of this Section, and has not previously received a warning, the Local Liquor Commissioner shall formally warn the licensee that any future violations will result in a liquor violation hearing. The City Clerk shall be responsible for maintaining a list of those licensees who have received warnings under this Section.
8. Review The chief or designee shall annually review to ascertain the efficacy of this Section in deterring alcohol consumption by habitually intoxicated persons.
9. Penalty Penalty for violation of this Section shall be as provided in this Chapter.

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

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

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

PASSED by the City Council of the City of Aurora, Illinois, on _____.

AYES ____ NAYS ____ ABSENT ____ NOT VOTING ____

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on

_____.

Mayor

ATTEST:

City Clerk

City of Aurora Law Department
44 East Downer Place
Aurora, Illinois 60507
(630) 256-3060