

TO: Mayor Richard C. Irvin and the City Council

FROM: The Law Department

DATE: June 4, 2019

SUBJECT:

An ordinance amending Chapter 6 - ALCOHOLIC LIQUOR, Section 6-13 of the City of Aurora Code of Ordinances Entitled "Allowed Areas."

PURPOSE:

This proposed amendment seeks to allow for a potential reduction of the distance requirement which prohibits the sale of liquor within one hundred (100) feet of a church, grade school, middle school, alternative school or high school, hospital, or home for indigent persons.

BACKGROUND:

In 2018, the Illinois General Assembly amended the State Liquor Control Act to allow for local municipalities to reduce the prohibition on liquor licenses within 100 feet of a church, grade school, middle school, alternative school, or high school, hospital, or home for indigent persons. The legislature specifically added section (a-5) to the statute which states "a local liquor control commissioner may grant an exemption to the prohibition in subsection (a) of this Section if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption." 235 ILCS 5/6-11(a-5).

DISCUSSION:

Adopting this proposed amendment to the City's Ordinance would allow for liquor licenses to be granted under certain circumstances where the establishment seeking the sale of liquor is within 100 feet of a church, school, hospital or home for indigent persons. The amendment outlines a specific process for an establishment to submit for a reduction requirement with their application for a liquor license. A hearing officer would review the request for a reduction and consider nine specific factors in making a decision on whether to recommend or deny the distance reduction. After review the factors, if the administrative hearing officer recommends a reduction, the liquor commissioner could then grant such a reduction if the liquor commissioner determines that doing so would not detrimentally affect the church, grade school, middle school, alternative school or high school, hospital or home for indigent persons within one hundred feet of the proposed premises. This amendment does not automatically allow for liquor licenses to be granted within 100 feet of churches, schools, hospitals, or homes for indigent persons, it simply grants the liquor commissioner the ability to grant a license when a license is available and both an administrative hearing officer and the liquor commissioner have reviewed the potential impact and found that granting the license will not be detrimental to area.

IMPACT STATEMENT:

This proposed amendment would allow for liquor licenses to be issued within one hundred feet of a church, grade school, middle school, alternative school or high school, hospital or home

for indigent persons, as long as it has been determined that granting a liquor license would not detrimentally impact the affected church, school, hospital or home for indigent persons

RECOMMENDATIONS:

It is respectfully requested that the proposed Chapter 6 amendment be approved and forwarded to the Public Health, Safety and Transportation Committee for their review.

cc: Rules, Administration and Procedures Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance amending Chapter 6 - ALCOHOLIC LIQUOR, Section 6-13 of the City of Aurora Code of Ordinances Entitled "Allowed Areas."

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, it is in the best interest of the City to amend Chapter 6 of the City of Aurora Code of Ordinances entitled "Allowed Areas," in such a manner to allow for applicants to apply for a reduction of the distance requirement in certain circumstances.

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

That Section 6-13 is hereby amended as reflected in Exhibit A.