

Sec 6-4 License Required; Transfer, Etc.

1. It shall be unlawful for any person or business to sell or offer for sale at retail in the corporate limits of the city any alcoholic liquor without a local liquor license and the appropriate liquor license issued by the State of Illinois. ~~retailer's license.~~ This license shall allow the licensee to sell or offer for sale at retail, only ~~in~~ on the premises specified ~~in~~ on 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.
2. ~~Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months.~~

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

Sec 6-5 Application For License

- (a) Only completed applications, with required documentation, shall be considered by the liquor control commissioner. No license may be issued until all information and documentation required in the application has been provided. Applications deemed incomplete and remaining incomplete for longer than sixty (60) business days shall be denied.
- (b) Applicants for a liquor license shall provide the local liquor control commissioner with a complete liquor license application containing the following information ~~written statement of the following:~~
- (1) The applicant's full name, address, and date of birth.
 - a. In the case of an individual the full name, address, and date of birth of the applicant.
 - b. In the case of a co-partnership the full name, address, and date of birth of all persons entitled to share in the profits thereof.
 - c. In the case of a corporation the name, address, and date of birth of all officers, directors, regional manager, on-site manager and persons owning directly or beneficially stock of such corporation in excess of 5%.
 - d. In the case of a limited liability company, the name, address, and date of birth of all members and managers directly owning or having an interest in such entity.
 - (2) The full name, address, and date of birth of the person acting as manager of a licensed premises.
 - (3) Reserved.
 - (4) The length of time the applicant has been in such business or, in the case of a corporation, the date when its charter was issued. In addition:
 - a. If an Illinois corporation, the date of incorporation and a certificate of good standing from the Illinois Secretary of State shall be provided.
 - b. If a foreign corporation, the date of becoming qualified to transact business under the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to transact business in Illinois the state shall be provided.
 - c. If an Illinois limited liability company, the date of organization and a certificate of good standing from the Illinois Secretary of State shall be provided.
 - (5) The location and detailed floorplan ~~description~~ of the ~~premises or~~ place of business which is to be operated under such license. In addition:
 - a. The name and address of the owner of the premises shall be given. If the premises is held in a trust the names and addresses of all owners of the beneficial interests of the trust shall be given.
 - b. If the premises is a leased premises, a copy of the lease shall be provided. Such lease shall be for a term of sufficient length to encompass the period of the license sought.
 - (6) Whether applicant has made application for a similar license or any other license for the premises except as described in this application and the disposition of such application.
 - (7) Whether a previous license by any state or subdivision thereof, or by the federal government has been issued, if so where and when, or if any such license has been revoked or suspended and the reasons thereof.
- (c) The application shall be sworn to by the applicant, if an individual, ~~and~~ by at least two (2) members of any partnership applying for such a license. ~~Applications by corporations and applications submitted by corporations~~ shall be subscribed and sworn to by the president of said corporation and attested to by the secretary of the corporation for that purpose. Applications by limited liability companies shall be subscribed and sworn to by the principal member or managing member of said company and attested to by a valid notary public.
- (d) The applicant shall submit a Certificate of Liability Insurance for dram shop/liquor liability insurance naming the City of Aurora as a Certificate Holder ~~must produce proof of dram shop~~

- 1 ~~liability insurance~~ at the required statutory maximum limits set forth in the Liquor Control Act, 235
2 ILCS 5/1-1 et seq. as amended from time to time.
- 3 (e) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates for
4 anyone serving alcohol and all managers and assistant managers.
- 5 (f) The applicant shall complete and file a certificate of registration application for food & beverage
6 tax (when applicable) with the city and produce the appropriate bonds pursuant to section 44-124.
- 7 (g) If the applicant is seeking a ~~Class-B-~~ liquor license for a fraternal society or club ~~license he the~~
8 applicant shall file with the local liquor control commissioner a list of names, addresses, and dates
9 of birth of its officers, and similarly shall file the name of any new officer within ten (10) days of
10 his election.
- 11 (h) All applications shall be accompanied by an application fee that shall be nonrefundable and
12 inapplicable to the annual license fee.
- 13 (i) The local liquor control commissioner shall require that any new applicant, including corporate
14 members, officers, managers, directors, stockholders over 5%, anyone owning over 5% interest in
15 a Partnership, and the manager(s) or agent(s) primarily responsible for conducting business at the
16 licensed location, and assistant manager(s) for a liquor license shall submit to a background check,
17 and shall provide the local liquor control commissioner with any documents necessary for said
18 background check.
- 19 (j) Prior to the issuance of any liquor license, the applicant must provide the local liquor control
20 commissioner with a certificate of occupancy for the licensed premises.
- 21 (k) Upon approval of the application and issuance of any new liquor license, the licensee will be placed
22 on a one-year probation period. During said probationary period, if the licensee violates any section
23 of the liquor ordinance, as specified in a probationary agreement that includes a management plan,
24 put forth to the licensee prior to the issuance of a license, a liquor hearing will be called and the
25 license may be revoked immediately, with no progressive discipline required.
- 26 (l) In the event that the local liquor control commissioner refuses to grant a license, the local liquor
27 control commissioner shall place on file in the city clerk's office the rejected application and a
28 document setting forth reasons for the commissioner's refusal to grant the license. Copies of the
29 rejected application and the document setting forth the reasons for refusal shall also be served by
30 regular U.S. mail and email (as provided in the application) upon the applicant for the license at
31 the address stated on the license application. The rejected applicant may, within ten (10) days from
32 the receipt of said notice of rejection, request a hearing before the local liquor control
33 commissioner, at which time all interested parties shall be heard per section 6-30.
- 34 (m) The decision of the local liquor control commissioner granting or refusing to grant a city license
35 following hearing shall lie to the state liquor control commission, and shall be on the record, and
36 not de novo.
- 37 (n) No person shall knowingly furnish false or misleading information or withhold any relevant
38 information on any application for any license required by this chapter nor knowingly cause or
39 suffer another to furnish or withhold such information on his behalf. No person shall knowingly
40 furnish any false or misleading information in the investigation of any application for a license
41 required by this chapter. No person shall willfully withhold any information that is relevant to any
42 such investigation when called upon by any city representative to furnish such information. The
43 furnishing of false or misleading information or withholding any relevant information on any
44 application for any license required by this chapter shall be grounds for denial of any such
45 application, or if discovered after the issuance of any such license, shall be grounds for a fine and/or
46 suspension or revocation of the license.
- 47 (o) All applicants shall provide information with their application detailing any and all camera
48 equipment located on the interior and/or exterior of the applicant's premises as the police
49 department may request, and further, all applicants shall agree by signature on the application that
50 they shall cooperate fully with the Aurora Police Department in providing all video pursuant to any
51 police investigation during the term of any liquor license granted.

- 1 (p) All applicants for licenses requiring tabled seating shall provide an appropriate mix of seating
2 options within the establishment, and shall provide a to-scale floor plan, that includes
3 entrances/exits, as part of the application illustrating the seating arrangements for approval. All
4 applicants for licenses which require a minimum square footage or number of seats shall provide a
5 to-scale floor plan with clearly identified seating as part of the application illustrating all
6 appropriate square footage requirements for approval.
7 (q) All applicants shall provide information with their application detailing all previous and current
8 liquor licenses, either individually held or as part of a business enterprise associated to the current
9 application or independent from the current application.

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

13

Sec 6-6 Restrictions On Licenses

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

- (1) A person who is indebted to the city or other governmental entity for payment of any fees, fines, charges, bills, or taxes which he is obligated to pay but have remained unpaid for more than forty-five (45) days.
- (2) A person who has been convicted of a felony under any federal or state law, irrespective of the nature of the offense, unless the local liquor commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the internal investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- (3) A person who has been convicted of a violation of any federal, state or city law concerning the manufacture, possession, consumption or sale of alcoholic liquor including any misdemeanor and traffic violation relating to the same, or has forfeited his bond to appear in court to answer to any charges for any violation, unless the local liquor commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the internal investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- (4) A person who is not of good character and reputation in the community in which he resides or conducts business, 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. The burden of proof of sufficient rehabilitation shall be on the applicant. For the purpose of this chapter, any person who within five (5) years of application for any liquor license has been convicted of, plead guilty to, or been placed on supervision for any liquor related offense, including driving under the influence of alcohol, shall be considered not of good character and reputation. There may be additional bases for determining that someone is not of good character or reputation including, without limitation, persons convicted of committing a crime of moral turpitude.
- (5) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- (6) A corporation, if any officer, manager or director of the corporation ~~thereof~~, or any stockholders owning 5% or more stock of such corporation, would not be eligible to receive a license hereunder for any reason.
- (7) A corporation or limited liability company, unless it is incorporated or organized in Illinois or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to transact business in Illinois.
- (8) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- (9) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
- (10) A person, firm or corporation not eligible for a state retail liquor dealer's license.
- (11) Any person who fails to obtain or maintain a state liquor license during the term of the license.
- (12) Any person who has not posted bond pursuant to the city's food and beverage tax, pursuant to section 44-124 of this Code.
- (13) Any person who cannot produce a Certificate of Liability Insurance for proof of dram shop/liquor liability insurance naming the City of Aurora as a Certificate Holder, at the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1 et seq. as amended from time to time.

- 1 (14) Any person that has property maintenance, fire, building or other code violations
2 upon the premises for which the establishment is licensed.
- 3 (15) Any person that has failed to obtain an operational permit to operate a place of
4 assembly above or below grade or with a capacity of six hundred (600) occupants or more,
5 pursuant to chapter 17 of this Code.
- 6 (16) A person whose liquor license has been revoked.
- 7 (17) A person that knowingly furnishes false or misleading information or withholds
8 any relevant information on any application for any license required by this chapter or
9 knowingly causes or suffers another to furnish or withhold such information on his behalf.
- 10 (18) A Sole Proprietor ~~person~~ who is not a resident of the city or county in which the
11 premises covered by the license is located.
- 12 (b) Any current licensee (including an owner, officer or manager) who has been convicted of a felony
13 under any federal or state law, any misdemeanor in which alcoholic liquor was involved or any
14 violation listed in paragraphs (2), (3), (4), and (5) of subsection (a) shall notify the local liquor
15 control commissioner of such conviction. Such notification shall be made within thirty (30) days
16 after the sentencing for the conviction.

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

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Sec 6-7 Term Of License; Renewals

- (a) Each license issued under this chapter shall be for a period of one (1) year. ~~Classes A and B shall commence on September 1 and terminate on August 31; all other classes shall commence on May 1 and terminate on April 30. Beginning May 1, 2022, all license classifications shall commence on May 1st and terminate on April 30th of each year. All licenses that formerly commenced on September 1st and terminated on August 31st shall be converted to the new licensing period by the city clerk.~~
- (b) Completed applications for renewal of a liquor license must be filed with the local liquor control commissioner or his/her designee not less than fourteen (14) days prior to the date for which the license is to expire. Applications for renewal submitted after the due date shall be assessed a late fee.
- (c) At the time of filing application for renewal of a liquor license each applicant must produce ~~evidence that he has received a state liquor license along with~~ the following documentation:
- (1) Copy of the current lease or proof of ownership, (i.e. deed) if prior lease expired or new lease was entered into or ownership of the property has changed in the past year.
 - (2) Copy of the current dram shop insurance (liquor liability insurance) at the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1 et seq., as amended from time to time, showing the City of Aurora as the certificate holder.
 - (3) Current certificate of good standing from the Secretary of State.
 - (4) Copy of the applicable county department of health certificate.
 - (5) Copy of menu, if applicable.
 - (6) Copy of current State of Illinois liquor license.
 - (7) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates for anyone serving alcohol and all managers and assistant managers.
 - (8) Current list of names, dates of births and addresses of officers (~~Class B license holders~~ Social Clubs and Fraternal Organizations only).
 - (9) Full amount of the annual license fee required for relevant classification.
 - (10) Background check of officers, members, owners, and managers if more than three (3) years has elapsed since last background check.
 - (11) Audit sheet regarding the distribution of revenue ~~for Class N and~~ license holders with video gaming terminal licenses.
 - (12) Update any security camera information and floor plan information as required under the Business Registration Ordinance in Chapter 25 of this code.
- (d) Any license held but not used for the actual operation of the licensed business at any time for a period of six (6) months shall after the expiration of the six (6) months become null and void; provided, that it may be extended by the local liquor control commissioner to two (2) years if the reason for the close of said business is due to a fire or other natural disaster.
- (e) If, during the license period, the licensee no longer owns or has a valid lease on the premises for which a liquor license has been issued said license shall become void.
- (f) ~~Except in cases of death or bankruptcy as set forth in section 6-4, any sale, transfer, or assignment of fifty (50) percent or more of the ownership of a business, whether said sale, transfer or assignment occurs in a single transaction or multiple transactions, shall terminate the license.~~
- (g) No same day liquor licenses, except for temporary licenses issued pursuant to section 6-10, shall be issued.

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

Sec 6-19 Change Of Location

A City of Aurora liquor license is not transferrable between multiple businesses or business locations. Every
A liquor license shall clearly identify the physical location of the licensed business as approved by the City
Council. The sale ~~permit the sale~~ of alcoholic liquor by the licensed business shall only be conducted ~~only~~
on the premises identified on ~~described in the application and~~ the liquor license. ~~However, such location~~
~~may be changed only with submission of a new application along with required documentation.~~ In the event
a liquor licensee wishes to relocate the licensed business, the licensee must submit a new Liquor License
Application with all required supporting documentation and a non-refundable application fee to the City
Clerk's Office for review by the Local Liquor Commissioner. The Liquor License Application shall be
presented to the City of Aurora Public Health, Safety & Transportation Committee, the Committee of the
Whole, and the City Council for final approval of the issuance of a new license by the Local Liquor
Commissioner.

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

1 Sec 6-20 Manager ~~or~~, Officer or Ownership Change

- 2 (a) ~~No~~All liquor licensees shall operate with~~out~~ an approved manager at all times. In the event that a
3 licensed business wishes to change their manager, they must submit a change of manager form to
4 the local liquor control commissioner for review and approval. A manager change shall be approved
5 provided the following ~~However, such manager may be changed provided the following~~ criteria
6 are met:
- 7 (1) That the proposed new manager is a person who is qualified or possesses the same
8 qualifications required of the licensee, pursuant to Sec. 6-6 herein, except that the manager
9 shall not be required to be a resident of the city.
- 10 (2) ~~That a written application be provided with information as required by the local liquor~~
11 ~~control commissioner.~~ The applicant shall submit to a background check and shall provide
12 the local liquor control commissioner with any documents necessary for said background
13 check.
- 14 (3) That written permission be given by the local liquor control commissioner authorizing such
15 change in manager.
- 16 (4) A change in manager does not require approval by the City Council.
- 17 (b) In the event that a licensed business ~~Any establishment which~~ has a change of corporate officer(s)
18 (president, secretary, or treasurer), partnership structure, or, if less than a total of fifty (50) percent
19 change in ownership of a corporation or of a partnership changes, the licensee shall notify the local
20 liquor control commissioner, in writing to the city clerk, within ten (10) days of such change. Said
21 notification shall consist of proof of the new proposed corporate or partnership and ownership
22 structure, specifically identifying every officer and partner in the organization and their respective
23 percentage ownership(s). Such change of officer(s), ~~or~~ partnership structure, or ownership, if less
24 than a total of fifty (50) percent change, will be allowed provided the following criteria are met:
- 25 (1) That the proposed new corporate officer(s), partner(s) or owner(s) (if less than a total of
26 fifty (50) percent change) is a person who is qualified or possesses the same qualifications
27 required of the licensee, pursuant to Sec. 6-6 herein, except that ~~said the new corporate~~
28 officer(s) or partner (s) shall not be required to be a resident of the City of Aurora.
- 29 (2) ~~That a written application be provided with information as required by the local liquor~~
30 ~~control commissioner.~~ The new proposed corporate officer(s), partner(s) or owner(s) (if
31 less than a total of fifty (50) percent change) ~~applicant~~ shall submit to a background check
32 and shall provide the local liquor control commissioner with any documents necessary for
33 said background check. Corporate shareholders or partners holding less than five (5)
34 percent shares in the licensed business are not required to submit to a background check.
- 35 (3) That written permission be given by the local liquor control commissioner authorizing such
36 change in officer or partner.
- 37 (c) All license classifications which allow the consumption of alcoholic liquor on the premises shall,
38 at all times, have on duty a designated person in charge of the establishment who has completed
39 successfully an application and background check with the local liquor control commissioner prior
40 to beginning such duties.
- 41 (d) The sale, transfer, or assignment of fifty (50) percent or more of the ownership of a business,
42 whether said sale, transfer or assignment occurs in a single transaction or multiple transactions,
43 shall terminate the liquor license held by that business. In order to change fifty (50) percent or more
44 ownership of a business, the licensee must submit a new liquor license application with all required
45 supporting documentation and a non-refundable application fee to the city clerk's office for review
46 by the local liquor commissioner. The liquor license application shall be presented to the City of
47 Aurora Public Health, Safety & Transportation Committee, the Committee of the Whole, and the
48 City Council for final approval of the license with a majority ownership change prior to the issuance
49 of a new license by the local liquor commissioner.

1 (e) In cases of death or bankruptcy, a local liquor license shall not descend by the laws of testate or
2 intestate devolution, but it shall cease upon the death of the licensee, except that executors or
3 administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt
4 licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale
5 or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the
6 privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or
7 such insolvency or bankruptcy until the expiration of such license but not longer than six (6)
8 months.

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