



Legislation Details (With Text)

File #: 22-0149 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 2/21/2022 **In control:** City Council
On agenda: 4/26/2022 **Final action:** 4/26/2022
Title: An Ordinance amending Chapter 6 Sec. 6-2, 6-8 and 6-14 of the Code of Ordinances relating to the delivery of alcohol.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Drive-Through and Delivery Service

Date	Ver.	Action By	Action	Result
4/26/2022	1	City Council	approved on the Consent Agenda	
4/19/2022	1	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
4/5/2022	1	Rules, Administration, and Procedure	recommended for approval	Pass

TO: Mayor Richard C. Irvin

FROM: Jennifer Stallings, City Clerk

DATE: February 21, 2022

SUBJECT:

An Ordinance amending Chapter 6 Sec. 6-2, 6-8 and 6-14 of the Code of Ordinances relating to the delivery of alcohol.

PURPOSE:

To amend Chapter 6 Sec. 6-2, 6-8 and 6-14 to comply with the Liquor Control Act of 1934, specifically, amendments made to 235 ILCS 5/5-1(d) through Public Act 101-0668.

BACKGROUND:

The liquor code currently identifies local rules for the delivery of alcohol in the city. Public Act 101-0668 went into effect on January 1, 2022 and preempts the authority of home rule units to restrict alcohol deliveries from a licensed retailer to a consumer. The city code imposes regulations on the delivery of alcohol and the relevant code sections must be amended to comply with State law.

DISCUSSION:

Public Act 101-0668 became effective on January 1, 2022, amending Section 5/5-1(d) of the Illinois Liquor Control Act. This Act preempts the authority of home rule units to restrict alcohol deliveries. The city code currently requires a "delivery endorsement" be obtained by a licensee prior to delivering alcohol. This section must be removed to comply with State law and the language of other sections addressing the delivery of alcohol must be modified.

IMPACT STATEMENT:

The impact of this amendment is that business owners will be required to comply with State law with respect to the delivery of alcohol.

RECOMMENDATIONS:

Staff requests that the proposed modifications be adopted.

cc: Rules, Administration and Procedure Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance amending Chapter 6 Sec. 6-2, 6-8 and 6-14 of the Code of Ordinances relating to the delivery of alcohol.

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, as a result of recently enacted State law preempting the city's home rule authority to regulate the delivery of alcohol by liquor license holders, it is necessary to amend the code in compliance with State law.

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

Section One: That Chapter 6 Sec. 6-2, 6-8 and 6-14 shall be and hereby are amended as set forth in Exhibit A.

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.

Section Five: That the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive or clerical changes to Chapter 6, Sec. 6-2, 6-8 and 6-14 as necessary for purposes of updating Municode.