



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 2/21/2022 **In control:** City Council
On agenda: 3/22/2022 **Final action:** 3/22/2022
Title: An Ordinance amending Chapter 6 Sec. 6-2 of the Code of Ordinances.
Sponsors:
Indexes:
Code sections:
Attachments: 1. Exhibit A - Definition Full-Service Restaurant

Date	Ver.	Action By	Action	Result
3/22/2022	1	City Council	approved on the Consent Agenda	
3/15/2022	1	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
3/1/2022	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 of the Code of Ordinances.

PURPOSE:
Staff seeks to amend Chapter 6 Sec. 6-2 to clarify the definition of full-service restaurant.

BACKGROUND:
Prior to the implementation of significant changes to Chapter 6 in 2020, there were two classes of liquor licenses available to restaurants, Class E (allowing all alcoholic liquor with a minimum of 125 seats) and Class F (allowing beer and wine only with a minimum of 75 seats on the same floor). With the changes implemented in 2020, all licensed restaurants are now allowed to sell alcoholic liquor without being limited to the sale of beer and wine based on the size of their restaurant. The language with respect to restaurants with a minimum of 75 seats can now be removed from the definition of "full-service restaurant." Furthermore, the term "full-service restaurant" has been the definition that determines what restaurants are eligible for video gaming licenses. Currently, the city only allows "full-service restaurants" with a minimum of 125 seats to apply for new video gaming licenses. The definition of full-service restaurant requires an update.

DISCUSSION:
When Chapter 6 was changed in 2020, the definition of "full-service restaurant" remained unchanged, identifying all restaurants with a minimum of 125 seats and all restaurants with a

minimum of 75 seats located in a shopping center as a "full-service restaurant." This designation as a "full-service restaurant" has caused confusion among business owners as to the requirements to apply for video gaming. The proposed change clearly identifies the characteristics of a "full-service restaurant" in order to avoid confusion in the future by expressly stating that a restaurant must have a minimum of 125 seats to be considered a "full-service restaurant." In an effort to aid prospective and current business owners to easily interpret the code, the proposed changes include examples of what is not considered a full-service restaurant.

IMPACT STATEMENT:

The impact of this amendment is that business owners will easily be able to apply the code to their business model to determine if their business meets the criteria of "full-service restaurant."

RECOMMENDATIONS:

Staff requests that the proposed ordinance 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 of the Code of Ordinances.

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 to amend the code regarding the licensing of businesses to sell alcohol.

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 shall be and hereby is 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 as necessary for purposes of updating Municode.