

ORDINANCE NO. 2016-02-014

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER THREE,
ARTICLE III, SECTION 3-40 AND ADDING NEW SECTION 3-51
PROVIDING FOR COMPLIANCE WITH NEW STATE STATUTE
CONCERNING RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING**

**(Requirement That Persons Selling or Serving Alcoholic Beverages
in Open Containers at Retail Successfully Complete Beverage
Alcohol Sellers and Servers Education Training "BASSET" Program)**

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs not otherwise expressly reserved to the State of Illinois by legislation, including the power to regulate the manufacture, sale, and consumption of alcoholic liquor for the protection of the public health, safety, and welfare; and

WHEREAS, Section 4-1 of the Liquor Control Act of 1934 (235 ILCS 5/4-1) gives the city council in every city the power by general ordinance or resolution to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Sections 3-1 *et seq.* concerning the licensing and regulation of establishments which seek to and which sell and/or serve alcoholic liquor, including in open containers, to the general public; and

WHEREAS, the Illinois General Assembly recently passed and the Governor signed into law an amendment to the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) which requires that individuals who sell or serve alcoholic beverages in open containers at retail successfully complete an Illinois Liquor Control Commission certified beverage alcohol sellers and servers education training program (commonly referred to as "BASSET training") (235 ILCS 5/6-27 and 27.1); and

WHEREAS, Section 6-27.1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/6-27.1) provides that individuals who sell or serve alcoholic beverages in open containers at retail must successfully complete a BASSET training program by July 1, 2016 or

within 120 days after the alcohol server has begun his or her employment with an establishment which sells and/or serves alcoholic beverages in open containers at retail; and

WHEREAS, the City Council deems it necessary and appropriate to amend UCC Sec. 3-40 and to add a new Section 2-51 to the Urbana City Code to bring the City's ordinance concerning BASSET training into compliance with the aforesaid state statute.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 3, "Alcoholic Liquors", Article III, "Retail License", Section 3-40, "Application", shall be and hereby is amended as follows with strike-through words representing language to be deleted and with underlined words representing language to be added:

Sec. 3-40. - License Application and Renewal.

(a) License Applications.

(~~a~~1) Applications for licenses under this article shall be made in writing to the mayor as local liquor commissioner signed by the applicant and verified by oath, and shall contain such information as may be required by the mayor consistent with state law and this chapter. Such application shall include sufficient payment of fees to satisfy such license.

(~~b~~2) Every license holder must, in the application for a liquor license (other than a T license) list up to three (3) persons who are designated as "managers" and qualified to act on behalf of the licensee. An owner can also be a manager. One (1) of such persons must be available to act (either in person or via telephone) on behalf of the licensee at all times. Such managers must not be disqualified to hold a liquor license in the State of Illinois other than for reasons of citizenship. Any person who is listed as a manager must reside in Champaign County, Illinois, or, if they reside

outside of Champaign County, such person must be regularly present at the licensed premises for a minimum of thirty (30) hours each week. If any of the persons so designated as managers in the application are no longer serving in such capacity, the mayor must be advised in writing within five (5) days of the date when such person's duties as manager is terminated. Managers may be added during the license year provided the mayor approves application for such person.

(3) Every application for any liquor license which, if such license is issued, permits the licensee to sell, serve, offer for sale, or offer for service any alcoholic beverage in an open container at retail, whether or not such beverage is consumed on or off premises, shall provide copies of all BASSET Certificates (as defined in Section 3-51(a)(3) of this Article) issued to persons who will sell, serve, offer for sale, or offer for service open containers of any alcoholic beverages at retail for or on behalf of the license applicant.

(b) Liquor License Renewals.

(1) If a liquor licensee intends to renew a liquor license, the licensee, prior to July 1st of each year, shall submit a liquor license renewal application in the manner provided by the city. The licensee's renewal application shall provide the city with any changes to the information which the licensee provided to the city in the licensee's license application or most recent renewal application, as the case may be. In the event that the licensee has had a change in managers since the original liquor license application or the most recent renewal application, the licensee shall provide a completed manager form for the new manager. The licensee shall tender both completed forms to the city along with the appropriate liquor license fee.

(2) Every request to renew a liquor license for an establishment which sells, serves, offers to sell,

or offers for service any alcoholic beverage in an open container at retail, whether such beverage is consumed on or off premises, shall be accompanied by copies of BASSET Certificates (as defined in Section 3-51(a)(3) of this Article) issued to the licensee's servers (as defined in Section 3-51(a)(1) of this Article).

Section 2.

Urbana City Code Urbana City Code Chapter 3, "Alcoholic Liquors", Article III, "Retail License", shall be and hereby is amended to add the following new Section 3-51:

Section 3-51. - BASSET Training.

(a) Definitions.

(1) Server shall mean any individual who -

(i) sells, serves, offers to sell, or offers to serve any alcoholic beverage in an open container at retail regardless of where such alcoholic beverage is sold, served, offered for sale, or offered for service;

(ii) checks for identification for the purpose of determining whether an individual is of lawful age to enter an establishment where alcoholic beverages are sold, served, offered for sale, or offered for service in open containers, and/or is of lawful age to purchase alcoholic beverages in open containers at retail; and

(iii) any person who manages or will manage any other person who sells, serves, offers for sale, or offers to serve alcoholic beverages in open containers at retail.

The word "server" shall not include any instructor engaged in training or educating on the proper technique for using a system that dispenses alcoholic beverages.

(2) BASSET shall mean beverage alcohol sellers and servers education training.

(3) BASSET certificate shall mean a certificate, card or other written evidence issued by a person who is licensed or certified by the State of Illinois Liquor Control Commission to offer a BASSET training program and to issue such certificates, cards or other written evidence of success completion of a BASSET training program.

(4) Establishment shall mean any person which is licensed by the city to sell, serve, offer for sale, or offer for service any alcoholic beverage in an open container at retail.

(b) BASSET Certificate requirement.

(1) All servers must successfully complete a State of Illinois Liquor Control Commission licensed or certified BASSET training program by July 1, 2016 or within 120 days after the server begins his or her employment with any establishment.

(2) Servers must maintain their respective BASSET Certificates in good standing at all times they are engaged in selling, serving, offering to sell, or offering for service alcoholic beverages in open containers at retail and/or checking identifications for entry into and/or service by the establishment at which the server is employed or otherwise works.

(3) A BASSET Certificate is the property of the server and the server shall be entitled to take his or her BASSET Certificate with him or her should he or she change employment with one establishment to another establishment.

(4) A server shall not sell, assign or otherwise transfer his or her BASSET Certificate to any other person.

(5) Each server must produce his or her BASSET Certificate upon request of any law enforcement officer.

(6) BASSET Certificates shall be valid for three consecutive years commencing with the date of issuance.

(c) Liquor Licensees.

Each establishment shall -

(1) assure that its servers have valid BASSET Certificates;

(2) obtain and retain a copy of each server's valid BASSET Certificate on the establishment's premises or at such location where it sells or serves alcoholic beverages in open containers at retail; and

(3) make available for inspection copies of all servers' BASSET Certificates upon request of any law enforcement officer.

(d) BASSET Training Programs.

Any person who seeks to offer or who offers a BASSET training program within the boundaries of the city shall be licensed or certified by the State of Illinois Liquor Control Commission and shall be at all times in full compliance with the Liquor Control Act of 1934 and all rules and regulations promulgated pursuant thereto by the State of Illinois Liquor Control Commission concerning the operation of BASSET training programs.

(e) Exceptions to Requirement of BASSET Certificate.

Those parts of Sections 3-40(a)(3), 3-40(b)2) and 3-51 which pertain to BASSET training and the receipt and possession of BASSET certificates shall not apply to persons who sell, offer for sale, serve, or offer for service any alcoholic beverage in an open container at a special event conducted in the city where a valid Class T-2 liquor license (civic event-current licensee) or

Class T-4 liquor license (alcoholic liquor tasting and package alcoholic liquor sales in conjunction with tasting at market, special and festival events) has been issued pursuant to Sections 3-42(b) or 3-42(d) of this Chapter.

(f) Effective date of ordinance.

This Section 3-51 shall become effective as of July 1, 2016.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to cause this Ordinance to be included in the Urbana City Code as currently hosted by the MuniCode Corporation.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor