

ORDINANCE NO. 2017-06-025

**AN ORDINANCE AMENDING URBANA CITY CODE
SECTION 3-8**

(Liquor sale location)

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 for consumption on and/or off premises; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 3-8 which requires establishments which seek to sell and/or serve alcoholic liquor for consumption on and/or off premises to obtain a City-issued liquor license to engage in such activity; and

WHEREAS, Urbana City Code Section 3-8 currently provides that alcoholic liquor may be served and/or sold “only in the premises described in the application and license”, and

WHEREAS, certain City liquor licensees have developed a business practice of taking orders for alcoholic liquor in original unopened package form by telephone and through their respective websites and allowing their employees to bring the customers’ respective alcoholic liquor orders to the customers’ vehicles outside the licensed premises but yet on the parcel where the licensed premises are respectively located; and

WHEREAS, the City Council finds that the public health, safety, and welfare will best be protected by amending Urbana City Code Section 3-8 to allow the immediately afore-stated practice but subject to certain conditions as provided hereinafter.

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 I, “In General” Section 3-8, “Location” is hereby amended as follows with newly inserted language appearing as underlined and deleted existing language appearing with strike-through:

(a) Except as otherwise provided in subsection (b), A licensee to sell at retail alcoholic liquors shall be permitted to sell such alcoholic liquors only in the premises described in the application and license, and such location may be changed only upon written permit issued by the mayor.

(b) A holder of a Class C liquor license (package store) may deliver alcoholic liquor in original package form to a customer who has pre-ordered such alcoholic liquor from the licensee's website or by telephone only if:

(1) in the case where the customer places an order from the licensee's website for alcoholic liquor in original package form for pick-up, the website page where alcoholic liquor can be ordered provides a conspicuous notice that at the time the alcoholic liquor is picked up, the customer will be required to provide a valid driver's license or other government-issued identification which verifies that the customer is 21 years of age or older; and

(2) in the case where the customer places an order for alcoholic liquor in original package form by telephone, the individual taking the order is 21 years of age or older and informs the customer that the customer will be required to provide a valid driver's license or other government-issued identification which verifies that the customer is 21 years of age or older; and

(3) the licensee's employee who fills the order for alcoholic liquor is 21 years of age or older; and

(4) physical delivery of the customer's order of alcoholic liquor in original package form is made on the same parcel of property, whether owned or leased by the licensee, where the licensee's licensed premises are located; and

(5) the licensee's employee who physically delivers the alcoholic liquor in original package form to the customer is 21 years of age or older; and

(6) the licensee's employee views the customers driver's license or government-issued identification to verify that the customer is one and the same person who ordered the alcoholic liquor from the licensee's electronic website or by telephone and that the customer is 21 years of age or older.

Section 2.

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 3.

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 6.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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:

Charlie Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor