

ORDINANCE NO. 7475-106

AN ORDINANCE PROVIDING FOR LIQUOR LICENSE
NEAR UNIVERSITY CLASSROOMS

WHEREAS, Chapter 43, Section 127, Illinois Revised Statutes 1973 provides (in part) as follows:

"No alcoholic liquor, other than beer shall be sold for consumption on the premises within 1500 feet from any building used for regular classroom or laboratory instruction on the main campus of any State university owned or maintained, in whole or in part, by the State of Illinois; provided, this prohibition shall not apply to a place of business which sells beer but does not sell any other alcoholic liquor and was established and operated prior to the effective date of this amendatory Act. As amended by act approved Aug. 7, 1963".

WHEREAS, in Cause No. 74-L-473, entitled "George Chin Moy, Inc. d/b/a House of Chin -v- Virgil Wikoff as Mayor and as Liquor Control Commissioner of the City of Champaign" the Honorable Birch E. Morgan ruled the aforesaid portion of Section 127 is unconstitutional and, therefore, unenforceable, and

WHEREAS, in view of the abovesaid ruling the applicability of the abovesaid Statute is unclear with regard to the sale of liquor near the University of Illinois Campus in the City of Urbana, and

WHEREAS, the City of Urbana is a Home Rule Unit and therefore has the legal authority to adopt an Ordinance to govern this matter.

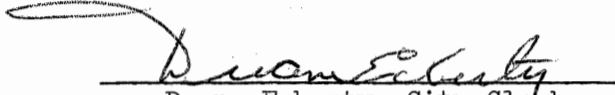
THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF URBANA, ILLINOIS, that the following language, being a part of Chapter 43, Section 127, Illinois Revised Statutes 1973, shall from the effective date of this Ordinance be of no force and effect:

"No alcoholic liquor, other than beer shall be sold for consumption on the premises within 1500 feet from any building used for regular classroom or laboratory instruction on the main campus of any State university owned or maintained, in whole or in part, by the State of Illinois; provided, this prohibition shall not apply to a place of business which sells beer but does not sell any other alcoholic liquor and was established and operated prior to the effective date of this amendatory Act. As amended by act approved Aug. 7, 1963".

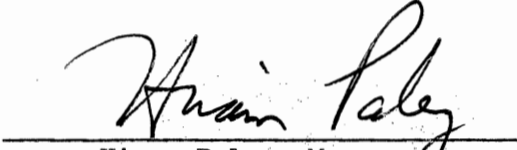
This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

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 regular meeting of said Council on the 16 day of June, 1975.

PASSED by the City Council this 16 day of June, 1975.


Duane Eckerty, City Clerk

APPROVED by the Mayor this 30 day of June, 1975.


Hiram Paley, Mayor

MEMO

from the desk of
DUANE ECKERTY
CITY CLERK
BOX 219
URBANA, ILLINOIS 61801

The attached ordinance was reworded by the Mayor and signed without being returned to the Council.

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WHEREAS, in view of the abovesaid ruling the applicability of the abovesaid Statute is unclear with regard to the sale of liquor near the University of Illinois Campus in the City of Urbana, and

WHEREAS, the City of Urbana is a Home Rule Unit and therefore has the legal authority to adopt an Ordinance to govern this matter.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF URBANA, ILLINOIS:

Section 1. It is hereby found and determined that since the commercial zones in the City of Urbana which are near the Campus area of the University of Illinois are small and the said commercial zones are near residential property, such neighborhoods need the protection afforded by this Ordinance to protect the essential character of such neighborhoods.

Section 2. That the following language, being a part of Chapter 43, Section 127, Illinois Revised Statutes 1973, shall from the effective date of this Ordinance be of no force and effect:

"No alcoholic liquor, other than beer shall be sold for consumption on the premises within 1500 feet from any building used for regular class room or laboratory instruction on the main campus of any State university owned or maintained, in whole or in part, by the State of Illinois; provided, this prohibition shall not apply to a place of business which sells beer but does not sell any other alcoholic liquor and was established and operated prior to the effective date of this amendatory Act. As amended by act approved Aug. 7, 1963."

Section 3. Instead of the foregoing, the following shall be in effect:

a) "No alcoholic liquor, other than beer or wine shall be sold for consumption on the premises within 1500 feet from any building used for regular class room or laboratory instruction on the main campus of any State university owned or maintained in whole or in part, by the State of Illinois; provided, this prohibition shall not apply to a place of business which sells beer but does not sell any other alcoholic liquor and was established and operated prior to the effective date of this Ordinance."

b) That the words "main campus" as used herein, refer to the territorial limits of the property owned and maintained by the University of Illinois as of a date certain, to-wit: August 7, 1963; which property consists of the lands and tracts originally conveyed to the University of Illinois pursuant to the statutory authority of Chapter 12 of "An Act to Provide for the Organization and Maintenance of the University of Illinois", approved February 28, 1867, L. 1867 p. 123 (Illinois Revised Statutes 1971, Chapter 144, Paragraph 133); and all of those lands and tracts acquired by the University of Illinois subsequent to that date and prior to August 7, 1963, which were as of that date contiguous to the lands and tracts referred to hereinabove as being the original grant made pursuant to the enabling statute referred to hereinabove.

c) That the words "buildings used for regular classroom or laboratory instruction" as used herein, refer to buildings used for that purpose on or before August 7, 1963.

Section 4. Nothing in this Ordinance shall be construed to affect or negate any exemption provided elsewhere in the Illinois State Statutes.

Section 5. Any person convicted of violating the provisions of this Ordinance shall be fined not to exceed \$200.00.

This Ordinance shall be in full force and effect from and after its Passage and publication in accordance with the terms of 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 regular meeting of said Council on the _____ day of _____, 1975.

PASSED by the City Council this _____ day of _____, 1975.

Duane Eckerty, City Clerk

APPROVED by the Mayor this _____ day of _____, 1975.

Hiram Paley, Mayor

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the _____ on the _____ day of _____, 1975, and a Certificate of Publication is attached hereto.

Duane Eckerty, City Clerk