

AN ORDINANCE REVISING CHAPTER 3 OF THE URBANA CITY CODE
(ALCOHOLIC LIQUOR)

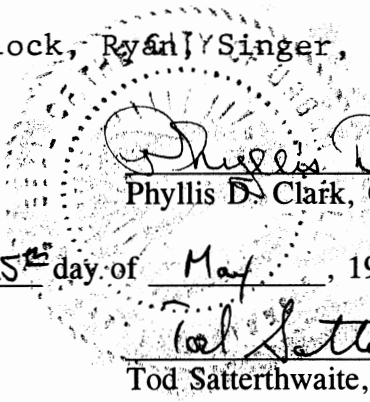
BE IT ORDAINED BY THE URBANA CITY COUNCIL that, effective upon this Ordinance taking effect, all of the existing Chapter 3 of the Urbana City Code is repealed and the attached is enacted.

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 regular meeting of said Council.

PASSED by the City Council this 15th day of May, 1995.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor, Whelan
NAYS:
PRESENT:


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 25th day of May, 1995.

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 19__, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE REVISING CHAPTER 3 OF THE URBANA CITY CODE (ALCOHOLIC LIQUOR)", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 19__, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 19__.

(SEAL)

CITY CLERK



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 15th day of May, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-102, entitled "AN ORDINANCE REVISING CHAPTER 3 OF THE URBANA CITY CODE (ALCOHOLIC LIQUOR)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9495-102 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 16th day of May, 1995, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 16th, day of May, 1995.

(SEAL)

Phyllis D. Clark
Phyllis D. Clark, City Clerk
by [Signature] Deputy Clerk
SEAL OF THE CITY OF URBANA, ILL. CHARTERED 1855

CHAPTER 3 - ALCOHOLIC LIQUORS

ARTICLE I. GENERAL PROVISIONS

Sec. 3-1. Definitions.

All words and phrases used in this Chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et. seq), as amended, shall have the meaning accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions set forth below.

Liquor Control Act. The State Liquor Control Act of 1934 (235 ILCS 5/1-1 et. seq).

Local Commissioner. The Mayor of the City of Urbana is the Local Liquor Control Commissioner for the City of Urbana.

State Commission. The Illinois Liquor Control Commission.

Sec. 3-2. Local Commissioner.

The Mayor is hereby designated as the Local Commissioner and shall be charged with the administration of the Liquor Control Act and such ordinances relating to alcoholic liquor as may be enacted. The Mayor may appoint a person or persons to assist the Mayor in the exercise of the powers and the performance of the duties under the Liquor Control Act and City of Urbana ordinances.

Sec. 3-3. Hours of Operation.

(a) Except as prohibited elsewhere in this chapter, or by law, alcoholic liquor may be sold, offered for sale, or otherwise transferred with or without consideration at any time, except as follows:

- (1) Monday through Saturday, between the hours of 1:00 a.m. and 6:00 a.m.;
- (2) Sunday, between the hours of 1:00 a.m. and 12:00 noon;
- (3) When January first shall fall on a day other than Sunday, alcoholic liquor may be sold or offered for sale at any time except between the hours of 2:00 a.m. through 6:00 a.m.;
- (4) When January first shall fall on a Sunday, alcoholic liquor may be sold or offered for sale at any time except between the hours of 2:00 a.m. until 12:00 noon.

(b) All times referred to herein shall be local time.

(c) The premises of each license where liquor is sold or offered for sale must be vacated within one hour after the closing hour as required above except for the owner or manager and custodial personnel.

(d) Each licensee shall post in at least two (2) prominent places in the licensed premises, the hours of closing and the hours by which the premises must be vacated by all unauthorized persons.

Sec. 3-4. Sales to Minors, Drunkards and the Like.

No licensee or officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to any person known by him or her to be under legal disability or in need of mental treatment.

Sec. 3-5. Transporting in Motor Vehicle.

No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken.

Sec. 3-6. Possession or Delivery in the Urbana Civic Center.

(a) Alcoholic liquor may be possessed or delivered in the Urbana Civic Center, a building belonging to and under the control of the City of Urbana, subject to and in accordance with the terms and conditions of this section. For the purposes of this section, to possess means to be in possession of, and to deliver means to transfer possession of, alcoholic liquor, but neither such terms shall include the right to sell, to keep or expose for sale, to keep with intent to sell, or to otherwise transfer, exchange or barter alcoholic liquor for any consideration whatsoever. Sale of alcoholic liquor in the Urbana Civic Center shall be permitted upon compliance with all the terms of this Section if the lessee also has obtained a valid Class T-2 License.

(b) Any person over the age of twenty-one (21) years entering into a valid lease with the city to rent all or a portion of the Urbana Civic Center (a "lessee") may apply to the Director of Public Works, or his or her designee, for a permit to possess or deliver alcoholic liquor in accordance with this section (the "permit"). If any such lessee is an entity other than an individual, such entity must designate an individual who is over the age of twenty-one (21) years to be directly responsible for the possession or delivery of alcoholic liquor by the lessee pursuant to the permit (the "responsible party"). In connection with the granting of any such permit, the individual lessee or responsible party shall agree to be physically present during the entire term of the lease, or the period of time specified in the permit if less than the lease period, and to enforce compliance by any and all members, guests and invitees of the lessee with all terms and conditions of this section, the permit, the lease, or any rules and regulations promulgated by the Director of Public Works pursuant to this section.

(c) The lessee and any members, guests and invitees of the lessee shall abide by all applicable statutes of the State of Illinois and all ordinances of the City of Urbana, including, but not limited to, prohibiting the possession or consumption of alcoholic liquor by persons under the age of twenty-one (21) years or by intoxicated persons. If the potential for underage possession or consumption exists, the lessee may be required to provide adequate assurances that persons under the age of twenty-one (21) years will not be served, offered or allowed to possess or consume alcoholic liquor, and may be required to provide such supervision as may be deemed appropriate by the Director of Public Works, and/or his or her designee, in connection with the issuance of the permit.

(d) The permit shall limit the possession or delivery of alcoholic liquor to only such areas as may be established in the lease.

(e) The lessee shall provide a certificate of insurance for host liquor liability with coverage in the minimum amount of one hundred thousand (\$100,000.00) dollars, which additionally names the city as an additional insured party, and shall agree to defend, save harmless and indemnify the city from all financial loss, damage or harm arising out of the possession or delivery of alcoholic liquor.

Sec. 3-22. Purchase, Consumption or Acceptance of Gift by Minors; Misrepresentation of Age.

(a) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden and a violation of the ordinance.

(b) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(c) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty-one (21) years except in the performance of a religious ceremony or service.

(d) It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold.

(e) Nothing in this section shall be construed to prohibit the possession and dispensing, or consumption by a person under the age of twenty-one (21) years of alcoholic liquor in the performance of a religious service or ceremony or under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home.

(f) It shall be unlawful for any parent or guardian to knowingly permit any person of which he or she is the parent or guardian to violate any provisions of this section.

Sec. 3-23. Identification Cards.

(a) If a licensee or such licensee's agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent, or employee shall, before making such sale or delivery, demand presentation of adequate written evidence of age and identity (as more fully described in (c) below). Reasonable care in compliance with the provisions of this division shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter.

(b) For the purpose of preventing the violation of this section, any licensee, or his/her agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one (21) years.

(c) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. Proof that the defendant-licensee or his/her employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

(d) No person shall transfer, alter, or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain a identification card by means of false information.

(e) Any person who sells, gives, or furnishes to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of twenty-one (21) years evidence of age and identification of any other person is guilty of violating this ordinance.

(f) Any person under the age of twenty-one (21) years who presents or offers to any licensee, his/her agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his/her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his/her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of violating this ordinance.

Sec. 3-24. Employment of Minors.

Except for the prohibitions provided for in this section, it shall be lawful for any person eighteen (18) years of age or older to work in a licensed premises, and to serve alcoholic liquor. It shall be unlawful for any person, under the age of eighteen (18) years to draw, pour, or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of eighteen (18) years to dispense, sell, or deliver any alcoholic liquor in the original package, bottle, or case for consumption off the premises of any licensed establishment.

Secs. 3-25 to 3-38. Reserved.

ARTICLE III. RETAIL LICENSE

Sec. 3-39. License Required.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

Sec. 3-40. Application.

(a) 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) Every license holder must, in the application for a liquor license (other than a T License) list up to three persons who are designated as "managers" and qualified to act on behalf of the licensee. An owner can also be a manager. One 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. 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 is 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.

Sec. 3-41. Classification.

Licenses issued pursuant to this article shall be divided into the following classes and shall be subject to the limitations set forth:

(a) Class A licenses shall permit the licensee to sell at retail alcoholic liquors in packages or by drink for consumption on or off the premises where sold.

(b) Class AA licenses (hotel-motel licensee) may be issued to regularly established hotels and motels and shall authorize the sale of alcoholic liquors in package form or by drinks for consumption on or off the premises where sold, from one permanent location in such hotel or motel building or complexes of buildings which together constitute a single hotel or motel operation and from other temporary locations for special occasions or functions actually occurring in such hotel or motel and which are not open to the general public, but are limited to special groups of persons, for such periods prior to, during and after such function, as might be reasonable, whether such hotel or motel operates its business from one or more buildings. The words "hotel" and "motel" mean every building, structure or group of complexes of buildings kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations for guests, and having one or more public dining rooms where meals are served to such guests and the general public, such sleeping accommodations and dining rooms being conducted in the same building or complex or group of buildings in connection therewith so as to constitute a single hotel or motel operations, and such building, complex or group of buildings being provided with an adequate and sanitary kitchen, dining room equipment and capacity.

(c) Class AA-1 licenses (additional hotel-motel license), may be issued to any hotel or motel having a valid Class AA license issued by the city and shall authorize the sale of alcoholic liquors at one additional permanent location in the hotel or motel on the same terms and conditions as authorized in the Class AA license. Not more than two (2) Class AA-1 licenses may be issued to a holder of a Class AA license.

(d) Class B licenses (beer only license), shall permit the retail sale of beer only, to be consumed on or off the premises where sold.

(e) Class BB licenses (beer and wine only), shall permit the retail sale of beer and wine only, to be consumed on or off the premises where sold.

(f) Class BBB licenses (off premises only - beer and wine), shall permit the retail sale of beer and wine only, to be consumed off-premises only.

(g) Class C licenses (package store) shall permit the licensee to sell at retail alcoholic liquors in package only. No on-premises consumption shall be allowed.

(h) Class D licenses (club licenses), shall permit the licensee to sell at retail alcoholic liquors by clubs and to members only to be consumed in the clubrooms only.

(i) Class HL license, to be known as the Hotel-Motel Limited license, shall permit the licensee to sell at retail alcoholic liquor under the conditions set forth in this subsection. Any person or corporation who is not ineligible to be licensed to sell alcoholic liquor at retail under the provisions of Illinois State Statutes and who is the operator of a hotel or motel which is subject to the Urbana Hotel/Motel Tax, may be granted a Class HL license. A Class HL license shall permit the sale of alcoholic liquor in the area specifically designated in the application for the four-hour time period between 4:00 p.m. and 8:00 p.m. each day. The licensee need

not have a manager on the premises, but a person of the minimum age of 21 years must be present in the designated area at all times while the liquor is available to the public. The licensee shall provide proof of Dram Shop insurance coverage. The Class HL license shall also permit the sale of alcoholic liquor in a sealed container at retail by means of a locked liquor cabinet in a guest room wherein the key to such cabinet is made available by the licensee only to persons of the minimum age of 21.

Banquet Option. If the additional fee for this option set forth in Section 14-7 of the Urbana City Code is paid to the City, the HL license shall also permit the sale of alcoholic liquor by the licensee for any continuous 6-hour period between the hours of 6:00 a.m. and following 1:00 a.m. in conjunction with the banquet food function held on the licensee's premises for which banquet the licensee gave notice to the Mayor's Office 24 hours in advance. Sales of alcoholic liquor under this option shall be restricted to those persons attending the banquet only; no service shall be available to the general public by the licensee who is selling liquor pursuant to this option.

(j) Class T license (temporary licenses), shall permit the licensee to sell at retail alcoholic liquor under the terms and conditions set forth in Section 3-42.

Sec. 3-42. Class T licenses. There shall be two categories of Class T licenses:

- T-1 (8-hour, special event--current licensee)
- T-2 (civic or charitable organization)

(a) T-1 license (8-hour, special event--current licensee). Any license holder may obtain a special one-day, eight-hour license which shall permit and allow such license holder to serve alcoholic drinks in an enclosed area immediately adjacent and adjoining and opening onto the premises described in the then current license application on file for the license, provided the licensee submits an application therefor in the manner provided by ordinance fourteen (14) days prior to the date for which the special license shall be used. The T-1 license application shall contain:

- (1) A statement of the hours during which liquor is to be sold, provided the hours shall not exceed eight (8) full hours; and provided, however, such hours must not be before or after the hours when liquor might otherwise be sold under Section 3-3.
- (2) Describe with reasonable certainty the boundary of the adjacent premises where such liquor shall be sold.
- (3) The written consent of the owner of such adjacent premises shall be attached to the application. The written consent shall be dated not more than ten (10) days prior to the application.
- (4) Proof of dramshop insurance covering the premises to be utilized with the T-1 license.

No more than one (1) such license shall be issued to any license holder in any one calendar month, nor more than 3 in a calendar year. The special license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

(b) T-2 License (civic or charitable organization). The T-2 license shall permit the retail sale of alcoholic liquor by any bona fide civic, service, charitable, or other not for pecuniary profit organizations for consumption on the premises or within an area specifically designated in such license.

- (1) A class T-2 license shall only be valid for a maximum of fourteen (14) days.
- (2) An applicant for a class T-2 license shall submit an application at least fourteen (14) days prior to the date for which the license shall be issued, and show evidence that dram shop liability insurance has been obtained for the period of the license.
- (3) The applicant for a class T-2 license shall state in the application for such license the hours during which alcoholic liquor is to be sold, not inconsistent with Section 3-3.
- (4) Not more than two class T-2 licenses shall be issued to any license holder in any one calendar year.
- (5) A class T-2 license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

(c) Special conditions applicable to all T Class licenses.

- (1) In the application for a T Class license, the application must set forth information so that the boundary of the area in which alcoholic liquor is to be allowed, can be ascertained with reasonable certainty. No part of the area as encompassed shall be public right-of-way except for a T-2 license.
- (2) If the applicant for any category of Class T license is not the owner of record of the property designated for the site of the event, the owner of record or agent must join in the application; provided, however, this requirement shall not be applicable to an application for a T-2 license involving public right-of-way.
- (3) If any T Class license involves serving either alcoholic liquors or food out-of-doors, then the following shall be applicable:
 - (a) The application shall designate the license applicant as the agent of the owner of record for service of a notice to remove all refuse, litter, debris, garbage and the like for the notice of lien as set forth in subsection (e) below. Only paper or plastic products may be used to serve alcoholic liquor or food;
 - (b) Provide fencing with at least two (2) means of ingress and egress around the area designated in the license. The egress shall have a ratio of at least forty-four (44") inches for every two hundred (200) occupants and at least one alternate exit of at least forty-four (44") inches;
 - (c) The Class T license holder shall, within twenty-four (24) hours after the ending time of the event, remove all refuse, litter, debris, garbage and the like from the property used for the event and the abutting public right-of-way;
 - (d) In the event the Class T license holder does not remove all refuse, litter, debris, garbage and the like in the twenty-four (24) hour period as required

by subsection (c) of this section, the City may, after twenty-four (24) hours' notice, remove all refuse, litter, debris, garbage and the like from the property used for the event. The notice requiring removal shall state that, if the license holder and the owner of record do not remove all refuse, litter, debris, garbage and the like from the designated property within twenty-four (24) hours, the City shall conduct the removal operation. The notice shall also state that the failure of the owner or licensee to remove all refuse, litter, debris, garbage and the like within the twenty-four (24) hour period as required by such notice, shall be deemed as implied consent for the City to conduct such removal. Such implied consent shall be deemed to form a contract between the City and the owner and the licensee for payment of the costs of the removal of the refuse, litter, debris, garbage and the like. Service of notice shall be made upon the license holder or an agent or employee of the license holder. Service shall be by personal service except that service can not be made by diligent inquiry. Service may be had by posting the notice on the property. The reasonable cost of removal shall be a lien upon the real property for which the license was issued.

(e) Whenever a bill for the reasonable costs of removal made pursuant to subsection (d) of this section remains unpaid for thirty (30) days after it has been sent to the license holder and the owner of record, the Clerk shall file a notice of lien with the County Recorder.

(1) The notice of lien shall be filed within ninety (90) days after the cost and expense of the removal has been incurred. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the removal and the date or dates when such cost and expense was incurred by the City. However, the City's lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the refuse, litter, debris, garbage and the like

and prior to the filing of such notice, and the City's lien shall not be valid as to any mortgage, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expenses by the license holder or the owner of record or persons interested in the property after notice of lien has been filed, the City shall release the lien and the release may be filed or recorded as in the case of filing a notice of lien.

- (2) Costs and expenses under this section include, but are not limited to, the actual costs and expenses for the time of City employees, use of equipment and materials concerning the actions of removal pursuant to this section, and transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosure and other related reasonable attorney's expenses.
 - (3) Whenever the costs and expenses for removal of all refuse, litter, debris, garbage and the like shall remain unpaid for a period of thirty (30) days after the lien is filed, the City may institute proceedings to foreclose the lien, and the real estate may be sold under the order of the Court.
 - (4) Upon payment of the costs and expenses, plus interest at a rate of (9) percent per annum from the date thirty (30) days after the bill was sent and after the notice of lien has been filed, the Clerk shall file with the Recorder a release of lien.
- (f) If the payment of the City's cost of removal or abatement of the nuisance is not paid to the city within thirty (30) days of the billing of such costs the City Attorney is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner or licensee interested in the premises as noticed in subsection (d) of this section. The action authorized by this subsection shall be in addition to and without waiver of any other

remedy. Such action shall be based upon the implied consent for persons to form a contract for the removal or abatement of such nuisances.

(d) Along with the application for any Class T license, the applicant shall submit a security plan for the Mayor's approval which shall generally take into consideration the matters set forth in Section 3-49(b) below.

Sec. 3-43. Limitations on number issued.

Not more than one class A license shall be issued in any one year for each one thousand five hundred (1,500) population of the city. Not more than one class AA license shall be issued in any one year for each three thousand seven hundred fifty (3,750) population of the city. Not more than one class B, class BB or class BBB license shall be issued for each one thousand five hundred (1,500) population of the city. Not more than one class C license shall be issued or each three thousand seven hundred fifty (3,750) population of the city. The population of the city for such purposes shall be determined by the latest motor fuel tax census or by the federal census, whichever is later.

Sec. 3-44. Fees.

(a) All licensees under this article shall pay in advance a fee for the sale of liquors at retail, provided all license fees other than T Class Licenses be paid either annually or semi-annually. Except as provided for in (b) below, no license fee or part thereof shall be refunded after the issuance of such license. Licenses shall not be valid unless the fees or installments are fully paid in advance. The fees shall be as set forth in section 14-7.

(b) In the event a liquor license is surrendered to the City within thirty (30) days of issuance, a refund representing 11/12th's of the amount paid shall be made to the person who paid the license fee.

Sec. 3-45. Transfer of License.

A license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descent by the laws of testate or intestate devolution; the personal representative of the estate of a deceased license holder may continue to operate under such license as provided by State law under court order.

Sec. 3-46. Term.

Except as otherwise provided in this chapter, all licenses shall be for a term not to exceed one year and shall expire on June thirtieth after the date of issuance.

Sec. 3-47. Record of those issued.

The mayor shall keep or cause to be kept a record of retail liquor dealer licenses issued by the city and a duplicate of such shall be kept by the chief of police. The Mayor shall also cause to be kept a record of the managers in charge of each licensed premises, as such may be amended from time to time, with his/her approval.

Sec. 3-48. Revocation.

The mayor may revoke or suspend any retail liquor license or impose a fine for any violation of any provision of this chapter or for violation of any state law pertaining to the sale of alcoholic liquor, as provided in State statute. The Mayor may revoke or suspend any retail liquor license issued by the City upon proof that any material representation made in the application for such license is incorrect.

Sec. 3-49. Security Measures.

(a) Any license to sell alcoholic beverages issued or to be issued by the City of Urbana, may be made subject to Security Plan regulations in accordance with this Chapter after the occurrence of:

- (1) any incident on the licensed premises which involved fighting, excessive noise, and/or unruly behavior; or
- (2) any such incident near the licensed premises in which patrons of that licensed premises participated or were involved; or
- (3) underage drinking or sales to minors.

(b) Security Plan regulations shall mean regulations promulgated by the Chief of Police or his/her designee specifying certain security measures that are to be taken by the licensee and are part of and conditions of the license. The regulation shall be in writing and signed by the Chief of Police or his/her designee. The Security Plan regulations may include any or all of the following:

- (1) Provisions for a specified number of licensed security guards to be on duty and the hours that they must be on duty;
- (2) Detailed procedures for assuring that no alcoholic liquor is being sold or delivered to minors;
- (3) Monitoring of interior and exterior areas by the licensee;
- (4) Regulating traffic flow in parking areas;
- (5) Exterior and interior lighting;
- (6) Regular meetings with Police Department personnel;
- (7) The posting of regulatory signage to aid enforcement efforts;
- (8) Limitation on the number of patrons allowed on the premises;
- (9) Any other reasonable security measures calculated to avoid a breach of the peace.

No condition which is part of a Security Plan may be contrary to or inconsistent with any statute or ordinance regulating alcoholic beverages or any other condition of the license issued.

(c) If the licensee objects to the Security Plan regulations promulgated by the Chief of Police or his/her designee, the licensee shall notify the City Clerk within ten (10) days of the day the licensee received the plan. Unless such plan has been personally delivered to the licensee, the plan shall be presumed to have been received by the licensee on the second day after such was mailed to the licensee by U.S. Postal Service (first-class postage prepaid). If no such objection is received by the Clerk within the time prescribed, the Clerk shall

issue an amended license to include the Security Plan as an additional condition on the license and forward the said amended license to the licensee. If the Clerk, however, receives an objection from the licensee within the allotted time, the Clerk shall notify the Mayor of the City of Urbana who shall schedule a hearing to be held within seven (7) days of receipt of the objection. The Chief of Police or his/her designee and the licensee shall both be allowed to present evidence and arguments to support their position regarding the Security Plan regulations proposed. The Mayor shall consider all probative evidence without regard to the formal rules of evidence. The Mayor may accept, reject, or modify the Security Plan as presented by the Chief of Police or his/her designee.

The objection procedures set forth in (c) above shall not apply to Class T, but the Mayor may modify such Security Plan regulations at any time.

Sec. 3-50. Winetasting Event.

A winetasting event for the purpose of this Section is defined as an event encompassing no more than eight (8) continuous hours at which wine is dispensed in glasses which have a capacity of not more than one (1) ounce, for which the license holder makes no charge and receives no monetary consideration. A current licensee may hold a winetasting event not more often than one (1) time in any calendar week. The license holder must comply with the then current policy of the Illinois Liquor Commission, and the Mayor must be notified by the license holder, in writing, five (5) days in advance of the winetasting event, of the time, date and location of the event.

Secs. 3-51 to 3-57 Reserved.

ARTICLE IV. CONSUMPTION ON PUBLIC PROPERTY

Sec. 3-58. Definition of public property.

For the purpose of this section, "public property" shall mean any real property owned, controlled, or managed by the City of Urbana or the Urbana Park District or the Urbana School District No. 116. Any street, alley, sidewalk, public parking lot, parkway, school grounds or park shall be prima facie public property for the purpose of this section.

Sec. 3-59. Prohibited; exceptions; affirmative defense.

(a) No person shall possess any open container of, or consume alcoholic liquor on any public property or the parking lot of any business establishment or in any vehicle travelling upon or parked on any public property or parking lot of any business establishment, except where such possession or consumption has been authorized pursuant to the issuance of a valid license or permit from a governmental authority.

(b) It shall not be deemed to be a violation of this article for alcoholic liquor to be served or possessed in an enclosed area on public property immediately adjacent to any premises where alcoholic liquor may be sold under a valid license which permits service of alcoholic liquor in such area. Nor shall it be deemed unlawful for alcoholic liquor to be possessed or consumed along the permitted parade route of a 4th of July parade for the period of one (1) hour prior to the start of the parade and during its duration.

(c) It shall be an affirmative defense to a charge of a violation of this article that the defendant, at the time of the alleged violation, was upon that portion of the public right-of-way which is not the street surface for vehicular travel, that immediately abuts the parcel of real estate that is improved with the defendant's principal residence. The address indicated on a current driver's license or voter's registration card shall be presumed to be the principal residence of the person to whom such document was issued.

Sec. 3-60. Open containers outside premises.

No person shall carry any open containers of alcoholic liquor out of any liquor service premises.

Sec. 3-61. Violation and penalty.

Any person other than a licensee found guilty of violating the provisions of this article shall be fined in an amount not to exceed five hundred dollars (\$500.00), in accordance with section 1-6 of the Urbana City Code. A licensee found guilty of a violation of this ordinance shall be subject to the penalties set forth in Sec. 3-48.

(f) The Director of Public Works may promulgate rules and regulations consistent with this section for the purpose of further regulating and controlling the possession or delivery of alcoholic liquor in the Urbana Civic Center, including the establishment of an appropriate fee for the issuance of any permit.

(g) The Director of Public Works, and/or his or her designee shall have the authority to revoke or suspend any permit for the possession and delivery of alcoholic liquor in the Urbana Civic Center, if any lessee, responsible party or any member, guest or invitee of any such lessee violates any terms and conditions of this section, the permit, the lease, any rules and regulations promulgated by the director of public works pursuant to this section, or for any other reason consistent with good cause.

Sec. 3-7. Compliance with Zoning Ordinance Prerequisite to Issuance.

No license shall be issued under this article unless the proposed licensed premises are in conformity with the city zoning ordinance. Sale of liquor under a T-2 license may be permitted in any zone.

Sec. 3-8. Location.

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.

Secs. 3-9 to 3-19 Reserved.

II. MINORS

Sec. 3-20. Allowing to Frequent or Remain in Public Areas of Class A Establishments. It shall be unlawful for any licensee of a Class A license to permit or allow any person under the age of eighteen (18) to frequent or remain in any area within the licensee's place of business which is open to the general public; provided, this section shall not apply to hotels, restaurants, clubs, or bowling alleys. This section shall not be deemed or construed, however, to require a licensee of a Class A license to permit or allow any person under the age of twenty-one (21) to frequent or remain in any area within the licensee's place of business which is open to the general public. If any licensee of a Class A license elects to permit or allow persons under the age of twenty-one (21) but at least the age of eighteen (18) to frequent or remain in any public area pursuant to the provisions of this section, the licensee shall furnish prior written notice of such election to the liquor commissioner. If the above election is for a temporary period, the notice to the Liquor Commissioner shall include the dates and times such election is in effect.

Sec. 3-21. Warning to Minors.

In every place in the City where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows:

**WARNING TO PERSONS
UNDER THE AGE OF 21 YEARS**

You are subject to a fine up to \$500.00 under the ordinances of the City of Urbana if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.