

**AN ORDINANCE FURTHER AMENDING CHAPTER 3 ("ALCOHOLIC LIQUORS")
OF THE CODE OF ORDINANCES OF THE CITY OF URBANA**

**(Granting the Liquor Commissioner Authority to Suspend Liquor Licenses
Due to Riotous or Uncontrolled Civil Unrest)**

WHEREAS, the City of Urbana is a home-rule municipality with a population exceeding 25,000 people; and

WHEREAS, the Mayor is the local Liquor Commissioner per the Liquor Control Act of 1934 (235 ILCS 5/4-2) and §3-1 of the Code of Ordinances of the City of Urbana; and

WHEREAS, it is in the best interests of public safety for the local Liquor Commissioner to have and enforce certain regulations on establishments and events serving alcohol; and

WHEREAS, the City Council is accorded certain powers, as provided in the Liquor Control Act of 1934 (235 ILCS 5/4-1), to establish such regulations as the public good and convenience may require,

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

Section 1. That Section 3-2 of the Code of Ordinances of the City of Urbana is hereby amended to allow the Liquor Commissioner to immediately abate certain emergency nuisance or criminal activity as follows:

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.

(Ord. No. 9495-102, 5-15-95)

Sec. 3-2. Local commissioner.

(a) 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 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.

(b) If at any time, for the purposes of preserving the peace; protecting the safety of the public; or abating any imminent, continuing public nuisance or ongoing criminal or riotous behavior, the Chief of Police, or his/her designee, or the Chief of the Fire Department, or his/her designee, believe that the sale and/or consumption of alcohol at a particular establishment or event, licensed or permitted by the City of Urbana to sell and/or serve alcohol, should cease for a fixed period of time, he/she may then request that the local commissioner or the local commissioner's designee issue a temporary emergency suspension of that establishment's or event's permit to sell or serve alcohol. The local commissioner, or his/her designee, may issue a temporary emergency suspension, but in no case shall such temporary emergency suspension exceed 24 hours from the time of its issuance, except as allowed by law or local ordinance.

(Ord. No. 9495-102, 5-15-95)

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:

Every day, including Sundays, between the hours of 2:00 a.m. and 6:00 a.m.

(b) All times referred to herein shall be local time. On the last Sunday in April of each year on which day, pursuant to the Illinois Time Standardization Act (5 ILCS 440, et seq.), the standard time is advanced by one hour, the closing time shall be the hour of 2:00 a.m., before the time change has taken effect. On the last Sunday in October of each year on which day, pursuant to the Illinois Time Standardization Act, the standard time is retarded by

one (1) hour, the closing time shall be the hour of 2:00 a.m. after the time change has taken effect.

(c) The premises of each license where liquor is sold or offered for sale for consumption on the premises must be vacated within one (1) hour after the closing hour at which sales of alcoholic liquor must stop, 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 at which sales of alcoholic liquor must stop and the hours by which the premises must be vacated by all unauthorized persons.

(Ord. No. 9495-102, 5-15-95; Ord. No. 9697-118, § 1, 4-7-97; Ord. No. 2002-03-031, § 1, 4-1-02; Ord. No. 2003-08-090, § 1, 8-25-03)

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 twenty-one (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.

(Ord. No. 9495-102, 5-15-95)

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.

(Ord. No. 9495-102, 5-15-95)

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 dollars (\$100,000.00), 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.

(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.

(Ord. No. 9495-102, 5-15-95)

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.

(Ord. No. 9495-102, 5-15-95)

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.

(Ord. No. 9495-102, 5-15-95)

Secs. 3-9--3-19. Reserved.

PASSED by the City Council this 18th day of June,

2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 20th day of June

2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor