

**AN ORDINANCE AMENDING SECTIONS 3-5 AND 3-60
OF THE URBANA CITY CODE CONCERNING REMOVAL OF PARTIALLY
CONSUMED BOTTLES OF WINE FROM RESTAURANTS**

WHEREAS, the Mayor and City Council heretofore have adopted ordinances regulating the transportation of alcoholic liquor in motor vehicles and the carrying of open containers of alcoholic liquor out of liquor service premises; and

WHEREAS, the Mayor and City Council find that the best interests of the City are served by amending said ordinances.

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

Section 1. The Urbana City Code Chapter 3, "Alcoholic Liquors," Article I, "In General," Section 3-5, "Transporting in motor vehicles," is hereby amended and as amended shall read as follows:

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. Wine that is resealed in accordance with the provisions of Section 3-60 of this chapter and not tampered with shall not be deemed to be in violation of this section.

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

State law reference: Similar provisions, 625 ILCS 5/11-502

Section 2. The Urbana City Code Chapter 3, "Alcoholic Liquors," Article IV, "Consumption on Public Property," Section 3-60, "Open containers outside premises" is hereby amended and as amended shall read as follows:

Sec. 3-60. Open containers outside premises.

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

other provision of this chapter, however, a restaurant licensed to sell alcoholic liquor in the city may permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption provided that the patron has purchased a meal and has consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and shall be placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

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

State law reference: Similar provisions, 235 ILCS 5/6-33.

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 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.

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 15th day of September,
2008 .

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

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk
[Signature]
Deputy Clerk

APPROVED by the Mayor this 25th day of September,
2008 .

Laurel Lunt Prussing
Laurel Lunt Prussing, 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 15th day of September, 2008, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2008-09-098, entitled:

"AN ORDINANCE AMENDING SECTIONS 3-5 AND 3-60 OF THE URBANA CITY CODE CONCERNING REMOVAL OF PARTIALLY CONSUMED BOTTLES OF WINE FROM RESTAURANTS"

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

The pamphlet form of Ordinance No. 2008-09-098 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 30th day of September, 2008, 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 30th day of September, 2008.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
By Robert J. Robert
Deputy Clerk