

Passed: March 5, 2012
Signed: March 6, 2012

ORDINANCE NO. 2012-02-021

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER THREE, SECTIONS 3-43 and 3-48
(limitations on number of liquor licenses; license revocation)**

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, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 3-43 to establish limitations on the number of liquor licenses issued in the City and Section 3-48 to provide for the revocation of said licenses; and

WHEREAS, the City Council finds that amending said sections will protect the health, safety, and welfare of the public.

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 III, "Retail License," Section 3-43, "Limitations on number issued," is hereby amended and as amended shall read as follows:

Sec. 3-43. - Limitations on number issued.

(a) The maximum number of liquor licenses authorized for the license classifications set forth below is as follows:

Classification	Number authorized
A	17
AA	2
B	2
BB	7
BBB	8
BW	8
C	18
CA-1	2
CA-2	2
CG	1
D	0
HB	1
HL	1

N	1
R	11
R-1	11
R-2	5
URO	1

(b) In the event that any license last granted by operation of this section lapses or is terminated for any reason, the number of available licenses in that classification as authorized by the corporate authorities shall automatically and immediately be reduced by one.

(c) Prior to authorizing new licenses under this section, the local liquor commissioner or city council may convene and conduct public hearings as necessary to gather additional information on applications or for other good reason.

(d) If the local liquor commissioner does not issue a license to an applicant within one hundred twenty (120) days of its creation by the corporate authorities, it expires and ceases to exist.

(Ord. No. 9495-102, 5-15-95; Ord. No. 9899-19, § 1, 9-8-98; Ord. No. 2006-10-127, § 1, 10-16-06; Ord. No. 2011-01-003, § 1, 1-18-11; Ord. No. 2011-05-042, § 1, 6-6-11; Ord. No. 2011-06-047, § 1, 6-20-11)

Section 2.

Urbana City Code Chapter 3, "Alcoholic Liquors," Article III, "Retail License," Section 3-48, "Revocation," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 3-48. - Suspension, revocation, and fine; appeals

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. No license shall be so revoked or suspended except after a public hearing by the mayor, unless the licensee waives such hearing. Any appeal to the state liquor control commission of an order or action taken by the mayor under this chapter shall be limited to a review of the official record of the proceedings. Persons requesting such appeals shall pay to the city all costs of preparing and certifying an official record of proceedings.

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 5th day of March, 2012.

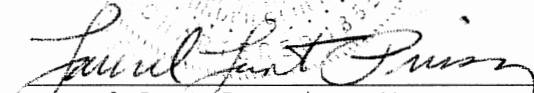
AYES: Bowersox, Jakobsson, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 6th day of March, 2012.


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.

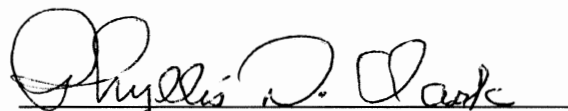
I certify that on the 5th day of March, 2012, the Corporate
Authorities of the City of Urbana passed and approved Ordinance No. 2012-02-021
entitled:

**“AN ORDINANCE AMENDING URBANA CITY CODE SECTIONS 3-43
AND 3-48 (Liquor Code Changes)”**

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

The pamphlet form of Ordinance No. 2012-02-021 was prepared, and a
copy of such Ordinance was posted in the Urbana City Building commencing on the 6th
day of March, 2012, and continuing for at least ten (10) days thereafter. Copies of said
Ordinance were also available for public inspection upon request at the Office of the
City Clerk.

Dated at Urbana, Illinois, this 6th day of March, 2012.



City Clerk

