

ORDINANCE NO. 2015-10-107

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER THREE,
SECTION 3-41 AND CHAPTER FOURTEEN, SECTION 14-7, REGARDING
SCHEDULE OF FEES SUBSECTION a - "LIQUOR LICENSES"**

(Establishing Class MB (microbrewery) liquor license and fee)

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 not otherwise expressly reserved to the State of Illinois by legislation, including the power to regulate the manufacture, sale, and consumption of alcoholic liquor for the protection of the public health, safety, and welfare; and

WHEREAS, Section 4-1 of the Liquor Control Act of 1934 (235 ILCS 5/4-1) gives the city council in every city the power by general ordinance or resolution to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Sections 3-1 et seq. concerning the licensing and regulation of establishments which seek to and which sell and/or serve alcoholic liquor to the general public; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 3-41 which designates certain classifications of local liquor licenses and to regulate said licenses; and

WHEREAS, the City Council seeks to license and regulate businesses which manufacture beer, ale, wine, and other fruit- or malt-based alcoholic beverages on their premises; maintain an inventory of their manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages on their premises; sell their manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages to other liquor licensees; and sell their manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages to the general public for consumption on and/or off their premises; and

WHEREAS, the City Council finds that the public health, safety, and welfare will best be protected by amending Urbana City Code Section 3-41 to establish two new classes of liquor licenses entitled -

Class MB-1 which would allow establishments to manufacture, store and maintain an inventory of their manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages on their premises and sell their manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages to other liquor licensees; and

Class MB-2 which would allow establishments to do that which holders of Class MB-1 licensees would be permitted to do and, in addition, to sell their and other companies' manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages from their premises for consumption on or off their premises; and

WHEREAS, the City Council heretofore did on September 21, 2015, pursuant to Ordinance No. 2015-09-099, amend Articles II and V of the Urbana Zoning Ordinance establishing definitions and use provisions for "microbreweries"; and

WHEREAS, the City Council heretofore did on June 1, 2015, pursuant to Ordinance No. 2015-04-041, amend Urbana City Code Section 14-7 which provides for a schedule of fees for the various licenses, permits, fines, and other fees required under the Code; and

WHEREAS, the City Council finds that the best interests of the City are served by amending Urbana City Code Section 14-7 to add new fees for Class MB-1 and Class MB-2 liquor licenses for microbreweries.

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 3-41, "Classification," is hereby amended by adding a new subsection (r) thereto to read as follows:

(r) Class MB licenses (microbrewery):

(1) Class MB-1 licenses:

(a) A Class MB-1 license shall permit the licensee to:

(i) manufacture beer, ale, wine, and other fruit- or malt-based alcoholic beverages on the premises of the licensee in quantities no more than 465,000 gallons (15,000 barrels) per year;

(ii) sell licensee's manufactured beer, ale, wine, and fruit- or malt-based alcoholic beverages to importing distributors and distributors;

(iii) sell to other liquor licensees which are licensed to sell at retail alcoholic beverages including beer, ale, wine, and other fruit- or malt-based alcoholic beverages; and

(iv) store and inventory on the licensed premises such beer, ale, wine, and other fruit- or malt-based alcoholic beverages manufactured by the licensee.

(b) In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-1 license fee shall be rebated to on a prorated basis for the period when the Class MB-2 license is issued through the following June 30.

(2) Class MB-2 licenses:

(a) A Class MB-2 license shall permit the licensee to:

(i) engage in the same manufacturing, storing and inventory activity which holders of Class MB-1 licenses are permitted to do; and

(ii) obtain a single and separate liquor license which allows the Class MB-2 licensee to sell the licensee's manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages to the general public for on-premises and/or off-premises consumption and/or provide for tasting of the licensee's manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages on the licensee's premises; and

(iii) sell goods and products, other than alcoholic beverages, incident to the manufacture and retail sale of the beer, ale, wine, and other fruit- or malt-based alcoholic beverages.

(b) A Class MB-2 licensee may only possess one other class of liquor license other than a Class MB-1 license.

(c) In the event that the licensee intends to make or produce food products in a kitchen for service and human consumption on the Class MB-2 licensee's premises, such licensee shall comply with all local and state public health codes concerning the preparation and service of such food.

(d) Applicants for Class MB-2 license must either have another class of liquor license other than an Class MB-1 license or apply simultaneously for another class of liquor license other than an Class MB-1 license.

(e) In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-2 license fee shall be prorated from the date the Class MB-2 license is issued through the following June 30.

Section 2.

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," subsection (A), "Liquor Licenses," Part 1, "Alcoholic Liquor Licenses," is hereby amended by adding new Subparts "(Y)" and "(Z)" thereto to state as follows:

(y) Class MB-1 - Microbrewery (to manufacture, store, inventory, and sell to other liquor licensees)..... \$ 500.00

(z) Class MB-2 - Microbrewery (to manufacture, store, inventory, sell to other liquor licensees, and sell to general public for consumption on- and/or off-premises in conjunction with separate class of liquor license).....\$50.00

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 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 meeting of said Council.

PASSED BY THE CITY COUNCIL this 2nd day of November, 2015.

AYES: Brown, Jakobsson, Marlin, Smyth

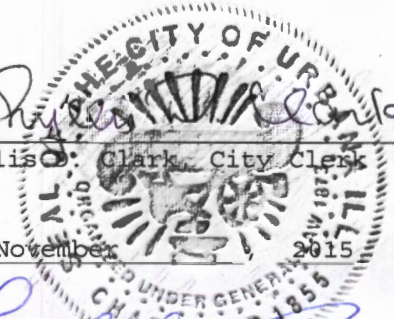
NAYS:

ABSENT:

ABSTAINED:

RECUSE: Madigan

APPROVED BY THE MAYOR this 17th day of November, 2015


Phyllis O. Clark
Phyllis O. Clark, City Clerk
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 2nd day of November, 2015, the City Council of the City of Urbana passed and approved Ordinance No. 2015-10-107, entitled:

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER THREE, SECTION 3-41 AND CHAPTER FOURTEEN, SECTION 14-7, REGARDING SCHEDULE OF FEES SUBSECTION a - "LIQUOR LICENSES" (ESTABLISHING CLASS MB (MICROBREWERY) LIQUOR LICENSE AND FEE)

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

The pamphlet form of Ordinance No. 2015-10-107 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of November, 2015, 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 17th day of November, 2015.



Phyllis D. Clark

Phyllis D. Clark, City Clerk