



LEGAL DIVISION
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DATE: July 20, 2016
TO: City Council
CC: Mayor Prussing
FROM: James Simon, City Attorney

RE: Hot Spot and Lacey's Place – Class G-2 Liquor Licenses.

Applications for new Class G-2 (gaming hall) liquor licenses have been submitted by the respective owners of Hot Spot (1809 S. Philo Road) and Lacey's Place (110 E. University Avenue). Both establishments had previously applied for and received Class G-2 licenses.

Since the last issuance of liquor licenses, both establishments were sold to new owners. Section 3-45 of the Urbana Municipal Code expressly states:

A license shall be a purely personal privilege, effective for a period not to exceed one (1) 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.

UCC Sec. 3-45. Section 5/6-1 of the Liquor Control Act of 1934 contains nearly identical language. 235 ILCS 5/6-1. Thus, upon the sale of the aforesaid establishments, their local and state liquor licenses became null and void. These establishments, under new ownership, have now applied for new Class G-2 (gaming hall) liquor licenses.

ORDINANCE NO.2016-08-060

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 3, SECTION 3-43

(Increasing number of Class G2 liquor licenses for Lacey's Place, LLC, 110 E. University Ave., Ste. C)

WHEREAS, the City Council heretofore has adopted Urbana City Code Section 3-43 to establish limits on the number of liquor licenses issued in the City in this Class G2 designation; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section to increase the number of Class G2 liquor licenses for Lacey's Place, LLC, 110 E. University Ave., Ste. C.

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," subsection 3-43(a), is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions 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	16
AA	2
AA-01	1
B	1
BB	3
BBB	3
BW	10
C	23
CA-1	1
CA-2	3
CG	1
D	0
G-1	12
G-2	56
HB	0
HL	0
MB-2	1
N	1
R-1	7
R-2	9
URO	1

Section 2.

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 3.

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 4.

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 ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

ORDINANCE NO.2016-08-061

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 3, SECTION 3-43

(Increasing number of Class G2 liquor licenses for Hot Spot Restaurant, LLC, 1809 S. Philo Rd. Ste. B)

WHEREAS, the City Council heretofore has adopted Urbana City Code Section 3-43 to establish limits on the number of liquor licenses issued in the City in this Class G2 designation; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section to increase the number of Class G2 liquor licenses for Hot Spot Restaurant, LLC, 1809 S. Philo Rd. Ste. B.

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," subsection 3-43(a), is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions 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	16
AA	2
AA-01	1
B	1
BB	<u>43</u>
BBB	<u>43</u>
BW	<u>1110</u>
C	23
CA-1	1
CA-2	3
CG	1
D	0
G-1	<u>1612</u>
G-2	<u>45</u>
HB	0
HL	0
MB-2	1
N	1
R-1	<u>87</u>
R-2	<u>129</u>
URO	1

Section 2.

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.

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PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor