

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 with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

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

~~(a) Not more than one (1) Class A license shall be issued in any one (1) year for each one thousand five hundred (1,500) population of the city. Not more than one (1) Class AA license shall be issued in any one (1) year for each three thousand seven hundred fifty (3,750) population of the city. Not more than one (1) Class B, Class BB or Class BBB license shall be issued for each two thousand one hundred seventy (2,170) population of the city. Not more than one (1) Class C license shall be issued for each two thousand seven hundred fifty (2,750) population of the city. The population of the city for such purposes shall be determined by the latest motor fuel tax census or by the federal census, whichever is later.~~

~~(b) Provided, however, if the limitation on the number of licenses authorized by the formula set forth in subsection (a) above would preclude the issuance of liquor licenses:~~

~~—(1) As agreed in a written agreement approved by the city council, additional liquor licenses shall be deemed to be automatically authorized in sufficient number to enable the city to honor the contractual commitment of the city. The city council shall hold a public hearing prior to approving any written agreement other than a development or annexation agreement.~~

~~—(2) An additional liquor license may be authorized by ordinance approving such if a property which immediately prior to annexation had a valid county~~

~~liquor license but no prior written agreement relating to a city liquor license had been entered into.~~

~~(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)~~

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

Classification	Number authorized
A	18
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	12
R-1	12
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. - ~~Revocation-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 ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor