

ORDINANCE NO. 2012-07-074

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 3, SECTION 3-48

(Suspension, revocation, and fine; appeals)

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 3-48 to provide for regulation of retail liquor licenses; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section.

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 3-48, "Suspension, revocation, and fine; appeals," 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 the Code of Ordinances or for violation of any state law as provided in state statute. ~~pertaining to the sale of alcoholic liquor,~~ 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 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Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance.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