

ORDINANCE NO. 2012-09-085

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 3, SECTION 3-2

(Local commissioner)

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, 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 licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 3-2, designating the mayor as the local liquor control commissioner and granting the mayor the authority to administer the Liquor Control Act of 1934 and such ordinances relating to alcoholic liquor as may be passed; and

WHEREAS, the City Council finds that amending said Section to allow the mayor to establish restrictions upon the issuance of local licenses 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 I, "In General," Section 3-2, "Local commissioner," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 3-2. - Local commissioner.

(a) The mayor is hereby designated as the local commissioner and shall be charged with the administration of the Liquor Control Act and such ordinances relating to alcoholic liquor as may be enacted. The mayor may appoint a person or persons to assist the mayor in the exercise of the powers and the performance of the duties under the Liquor Control Act and city Code.

(b) The local commissioner may impose such conditions and restrictions upon the issuance of each liquor license as reasonably necessary to protect the public health, safety, or welfare. A licensee may appeal the local commissioner's decision. The appeal shall be in writing, setting forth the reasons for the appeal, and shall be filed with the local commissioner not more than ten (10) days from the date the licensee received the license. Unless the license was personally delivered to the licensee, the license shall be presumed to have been received by the licensee on the second day after such was mailed to be licensee by

U.S. Postal Service (first-class postage prepaid). The local commissioner shall fix a time and place for hearing the appeal, not more than twenty (20) days following receipt of the appeal.

(bc) If at any time, for the purposes of preserving the peace; protecting the safety of the public; or abating any imminent, continuing public nuisance or ongoing criminal or riotous behavior, the chief of police, or his/her designee, or the chief of the fire department, or his/her designee, believe that the sale and/or consumption of alcohol at a particular establishment or event, licensed or permitted by the city to sell and/or serve alcohol, should cease for a fixed period of time, he/she may then request that the local commissioner or the local commissioner's designee issue a temporary emergency suspension of that establishment's or event's permit to sell or serve alcohol. The local commissioner, or his/her designee, may issue a temporary emergency suspension, but in no case shall such temporary emergency suspension exceed twenty-four (24) hours from the time of its issuance, except as allowed by law or local ordinance.

(Ord. No. 9495-102, 5-15-95; Ord. No. 2007-06-053, § 1, 6-18-07)

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