



Office of the Mayor
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January 5, 2011

To: Diane Marlin, Heather Stevenson, Dennis Roberts, Brandon Bowersox, Robert Lewis, Eric Jakobsson and Charlie Smyth

From: Laurel Prussing *L.P.*

Re: Updates of Liquor Ordinance, Fee Ordinance

We are proposing changes to our liquor ordinance. Here are three ordinances for your consideration.

1. Ordinance No. 2011-01-002 (Creating a new class of license)

We would like to create a new Class N license for Retirement Communities. This would allow the sale of alcoholic liquor for consumption on the premises. Clark Lindsey Village has requested a license to sell alcohol in their dining facility. Since they do not fit in any existing category we recommend creating a new class of license with a fee equal to that for Clubs, which currently is \$2,790 per year. **An additional ordinance No. 2011-01-004 is included to amend the fee ordinance and create the new fee.**

2. Ordinance No. 2011-01-003 (Changing the population limit for Class C licenses)

We have limits on the number of class A, Class B, BB, BBB and Class C based on population as follows:

Class A: 1 per 1,500 population
Class AA: 1 per 3,750
Classes B, BB and BBB: 1 per 1,500
Class C: 1 per 3,750

(Please note the definition for each class is spelled out in Ordinance No. 2011-01-002)

Currently we have more businesses requesting class C than we can accommodate with the current limit of 11. Four class BBB licensees have requested Class C. Class BBB permits sale of beer and wine for off-premise consumption only. Class C permits sale of alcoholic beverages in package only, for off-premise consumption. The fee for a BBB license is \$3,267, while that for a C license is \$4,662. The new limit would allow for 27 Class C licenses for a population of 40,500.

I am recommending that we change the limit on Class C to 1 per 1,500 population. This would give us room to accommodate more businesses in this category.

Passed:
Signed:

ORDINANCE NO. 2011-01-002

Ordinance Amending Chapter III, Section 41, of the City of Urbana Code of Ordinances
(Ordinance Creating a Class "N" Liquor License for Retirement Communities)

WHEREAS, the City of Urbana is a home-rule municipality with a population exceeding 25,000 people; and

WHEREAS, the Mayor is the local Liquor Commissioner per the Liquor Control Act of 1934 (235 ILCS 5/4-2) and §3-1 of the Code of Ordinances of the City of Urbana; and

WHEREAS, it is in the best interests of public safety for the local Liquor Commissioner to have and enforce certain regulations on establishments and events serving alcohol; and

WHEREAS, the City Council is accorded certain powers, as provided in the Liquor Control Act of 1934 (235 ILCS 5/4-1), to establish such regulations as the public good and convenience may require,

WHEREAS, it is in the best interest of the City of Urbana that commerce be responsibly encouraged and promoted;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section One. That Section 3-41 of the Code of Ordinances of the City of Urbana is hereby amended as follows:

Licenses issued pursuant to this article shall be divided into the following classes and shall be subject to the limitations set forth:

(a) Class A licenses shall permit the licensee to sell at retail alcoholic liquors in package for consumption on or off the premises where sold, or by drink for consumption on the premises.

(b) Class AA licenses (hotel-motel licensee) may be issued to regularly established hotels and motels and shall authorize the sale of alcoholic liquors in package form or by drinks for consumption on or off the premises where sold, from one (1) permanent location in such hotel or motel building or complexes of buildings which together constitute a single hotel or motel operation and from other temporary locations for special occasions or functions actually occurring in such hotel or motel and which are not open to the general public, but are limited to special groups of persons, for such periods prior to, during and after such function, as might be reasonable, whether such hotel or motel operates its business from one (1) or more buildings. The words "hotel" and "motel" mean every building, structure or group of complexes of buildings kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations for guests, and having one or more public dining rooms where meals are served to such guests and the general public, such sleeping accommodations and dining rooms being conducted in the same building or complex or group of buildings in connection therewith so as to constitute a single hotel or motel operations, and such building, complex or group of buildings being provided with an adequate and sanitary kitchen, dining room equipment and capacity.

(c) Additional location permits.

(1) Class AA license holders have the option of being issued an additional location permit which shall authorize the sale of alcoholic liquors at an additional permanent location in the hotel or motel on the same terms and conditions as authorized in the Class AA license. However, no more than two (2) such location permits shall be issued to any Class AA license holder. The charge for such Class AA location permits shall be as set forth in the schedule of fees.

(2) Class BW (sidewalk cafe) licenses shall permit the retail sale of alcoholic liquor by any person holding a Class A, AA, B, or BB license in that area for which such licensee holds a valid sidewalk cafe permit issued by the director of public works. The holder of the BW license shall be strictly responsible that no customer, employee, or other person, be permitted to remove alcoholic liquor from the area designated in the outdoor cafe permit. Prior to the issuance of the Class BW license, the licensee

shall provide proof of dram shop insurance which names the City of Urbana as an additional insured, and will indemnify and hold the city harmless from any action, proceeding of claim of liability asserted against the city as the result of the operation of an outdoor cafe. Failure by the licensee to continue to maintain such insurance shall result in the revocation of the BW license.

(d) Class B licenses (beer only license) shall permit the retail sale of beer only, to be consumed on or off the premises where sold.

(e) Class BB licenses (beer and wine only) shall permit the retail sale of beer and wine only, to be consumed on or off the premises where sold.

(f) Class BBB licenses (off-premises only--beer and wine) shall permit the retail sale of beer and wine only, to be consumed off-premises only.

(g) Class C licenses (package store) shall permit the licensee to sell at retail alcoholic liquors in package only. No on-premises consumption shall be allowed.

(h) Class D licenses (club licenses) shall permit the licensee to sell at retail alcoholic liquors by clubs and to members only to be consumed in the clubrooms only.

(i) Class HL license, to be known as the hotel-motel limited license, shall permit the licensee to sell at retail alcoholic liquor under the conditions set forth in this subsection. Any person or corporation who is not ineligible to be licensed to sell alcoholic liquor at retail under the provisions of Illinois State Statutes and who is the operator of a hotel or motel which is subject to the Urbana Hotel/Motel Tax, may be granted a Class HL license. A Class HL license shall permit the sale of alcoholic liquor in the area specifically designated in the application for the four-hour time period between 4:00 p.m. and 8:00 p.m. each day. The licensee need not have a manager on the premises, but a person of the minimum age of twenty-one (21) years must be present in the designated area at all times while the liquor is available to the public. The licensee shall provide proof of dram shop insurance coverage. The Class HL license shall also permit the sale of alcoholic liquor in a sealed container at retail by means of a locked liquor

cabinet in a guest room wherein the key to such cabinet is made available by the licensee only to persons of the minimum age of twenty-one (21).

Banquet option. If the additional fee for this option set forth in section 14-7 of the Urbana City Code is paid to the city, the HL license shall also permit the sale of alcoholic liquor by the licensee for any continuous six-hour period between the hours of 6:00 a.m. and following 1:00 a.m. in conjunction with the banquet food function held on the licensee's premises for which banquet the licensee gave notice to the mayor's office twenty-four (24) hours in advance. Sales of alcoholic liquor under this option shall be restricted to those persons attending the banquet only; no service shall be available to the general public by the licensee who is selling liquor pursuant to this option.

(j) Class T license (temporary licenses) shall permit the licensee to sell at retail alcoholic liquor under the terms and conditions set forth in section 3-42.

(k) Class GC license, to be known as the "golf course license" can be issued only to the operator of a clubhouse located on a golf course, which golf course is comprised of fifty (50) acres or more. A GC license shall permit the licensee to sell at retail alcoholic liquor for consumption within the clubhouse and any defined area adjacent thereto (as described in the application) or pavilion and to sell alcoholic liquor from mobile carts with the number of such mobile carts to be operated on the golf course limited to not more than four (4). In addition to such mobile carts, the licensee may sell alcoholic liquor at fixed refreshment stands at locations approved by the mayor. The sale of alcoholic liquor on the golf course outside of the clubhouse and adjacent enclosed areas or pavilion shall be subject to any further conditions and regulations required by the mayor to promote public safety and welfare.

(l) Class R licenses (restaurants) shall permit the retail sale of alcoholic liquor by restaurants for consumption on the premises, where sold, and not for resale in any form. No part of this subsection shall be construed as forbidding patrons of a restaurant, who have ordered a bottle of wine with their meal but have only partially consumed the contents, from exiting the restaurant with said bottle, corked or sealed, as may be allowed by law.

a. At Class R licensed restaurants, the total sales of alcoholic liquor may not exceed forty (40) percent of the total combined sales of food and alcoholic liquor.

b. For purposes of this classification, a "restaurant" shall be defined as a public place having, or contained in, all of the following:

1. Space kept, used, maintained, advertised, and held out to the public as a place where meals are served;

2. Space where meals are actually regularly served;

3. Space without sleeping accommodations;

4. Space that has an adequate and sanitary kitchen, and has dining room equipment/furnishings and capacity; and

5. A sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(m) Class N licenses (retirement communities) shall permit the retail sale of alcoholic liquor by retirement communities for consumption on the premises, where sold, and not for resale in any form.

Section Two.

A. Conflicts. That all ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

B. Severability. If any provision or provisions of this Ordinance shall be held, by a court of competent jurisdiction, to be invalid, illegal, unenforceable or in conflict with the law of this jurisdiction, the validity, legality and enforceability of the remaining valid provisions shall continue to be in full force and effect.

Section Three. 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 _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2011-01-003

Ordinance Amending Chapter III, Section 43 of the City of Urbana
Code of Ordinances

(Change in Limitation for Issuance of Class C Liquor Licenses)

WHEREAS, the City of Urbana is a home rule municipality with a population in excess of 25,000 people; and

WHEREAS, the Mayor is the local Liquor Commissioner per the Liquor Control Act of 1934 (235 ILCS 5/4-2) and §3-1 of the Code of Ordinances of the City of Urbana; and

WHEREAS, it is in the best interests of public safety for the local Liquor Commissioner to have and enforce certain regulations on establishments and events serving alcohol; and

WHEREAS, it is in the best interest of the City of Urbana that commerce be responsibly encouraged and promoted; and

WHEREAS, changes in population make revisions of liquor license limitations advisable;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section One. That Section 3-43 of the Code of Ordinances of the City of Urbana is hereby amended as follows:

...

Not more than one (1) Class C license shall be issued for each ~~three thousand seven hundred fifty (3,750)~~ one thousand five hundred (1,500) 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.

Section 2.

A. Conflicts. That all ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

B. Severability. If any provision or provisions of this Ordinance shall be held, by a court of competent jurisdiction, to be invalid, illegal, unenforceable or in conflict with the law of this jurisdiction, the validity, legality and enforceability of the remaining valid provisions shall continue to be in full force and effect.

Section 3. 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 _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2011-01-004

AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-7,
SCHEDULE OF FEES, LIQUOR LICENSES

WHEREAS, the City of Urbana has heretofore adopted a Schedule of Fees for the fiscal year July 1, 2010 to June 30, 2011; and

WHEREAS, the Mayor and City Council find that the best interests of the City are served by amending said ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. The Code of Ordinances, City of Urbana, Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of Fees," Subsection A(1) Alcoholic Liquor Licenses, is hereby amended as follows:

Add Subsection(n), Class N (Retirement Community for consumption on premise).....\$2,790.00

Section 2. Those sections, paragraphs, and provisions of the Code of Ordinances, City of Urbana, 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 Code of Ordinances, City of Urbana, 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. 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 _____, 2011.

AYES:

NAYS:

ABSTAINS: