

ORDINANCE NO. 2011-11-129

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER THREE, SECTION 3-41

(sidewalk cafe licenses)

WHEREAS, the City Council heretofore has adopted Section 3-41 of the Urbana City Code to establish classifications of liquor licenses issued in the City; 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 Three, "Alcoholic Liquors," Article III, "Retail License," Section 3-41, "Classification," subsection (c), is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

(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~~, R-1, or R-2 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.

Section 2.

This ordinance will take effect on July 1, 2012.

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not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana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