



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-049
DATE OF PASSAGE September 28, 2021

An Ordinance to Amend Sections 6-10, 6-13, 6-15, 6-18 and 6-25 of Chapter 6 - Alcoholic Liquor, of the Code of Ordinances, City of Aurora, Illinois.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is necessary for the City of Aurora to update Chapter 6 - Alcoholic Liquor, of the Code of Ordinances, to bring Chapter 6 current with amendments that were approved pursuant to O20-023.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the Aurora Liquor Control Ordinance, Sections 6-10, 6-13, 6-15, 6-18 and 6-25 shall be and hereby are amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases, or paragraphs of this Ordinance which shall remain in full force and effect.

ORDINANCE NO. 021-049
LEGISTAR NO. 21-0492

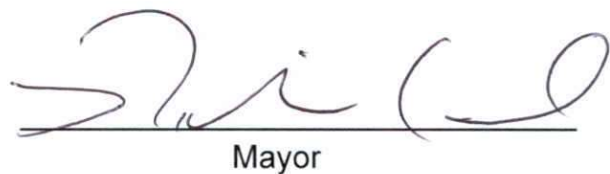
PASSED AND APPROVED ON September 28, 2021

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor

1 Sec 6-10 Special Permits

2 (b) BYOB permit.

- 3 (1) Authorizes the consumption of alcoholic liquor brought onto the premises by a patron over the age
4 of twenty-one (21) for on-site consumption at a location that possesses ~~either~~ a City of Aurora ~~Class~~
5 ~~D-1, E, E-1, or F~~ On-Site Consumption Liquor License.
- 6 (2) BYOB shall be permitted in conjunction with the purchase and consumption of a meal.
- 7 (3) BYOB shall be limited to no more than one (1) seven hundred fifty (750) milliliter bottle of wine
8 or thirty six (36) ounces of beer per patron.
- 9 (4) BYOB shall be limited to the licensed premises.
- 10 (5) Permit holders may provide glassware and ice to patrons, and may uncork, pour, serve or otherwise
11 control the consumption of the beer and wine.
- 12 (6) Permits will be available to license holders upon submittal of a written application. The issuance
13 of the permit will be at the discretion of the local liquor commissioner and will be renewed during
14 the renewal of annual liquor licenses.

1 Sec 6-13 Allowed Areas

2 (c)

3 (1) Nothing contained in this section shall preclude the issuance of a liquor license to Fraternal Society
4 or Club, Restaurant or Beer and Wine Restaurant establishments in portions of the city classified
5 as predominantly business in character.

6 (2) No new liquor licenses may be issued ~~after January 1, 2003~~ to any establishment that is within five
7 hundred (500) feet of a residential property without the applicant obtaining the approval of the
8 liquor commissioner through the hearing process established in section 6-13(d)(2-4), provided the
9 property has adequate off-street parking, and complies with all other requirements of the Code.
10 However, if the ~~license~~ business is located in the downtown or a shopping center, as defined above,
11 then a liquor license may be issued without the need for a special use permit so long as the ~~license~~
12 business complies with all other requirements of the Code. ~~Current Licensees identified as~~
13 Taverns, Fraternal Societies or Clubs, Package Liquor and Auditoriums Restaurants or Beer and
14 Wine Restaurants Class A, Class B, Class C and D establishments prior to January 1, 2003 in
15 portions of the city located within five hundred (500) feet of a residential property shall not be
16 required to obtain approval from the liquor commissioner in order to renew their existing liquor
17 license.

18 6-13 Allowed Areas

19 (g) Outdoor seating areas serving alcohol shall be permitted only on the premises of those licensees
20 holding ~~a Class A, B, D, E, F, H, P, or S~~ an On-Site Consumption license. Nothing contained in this
21 section shall preclude the approval and issuance of an outdoor seating area for a licensee located within
22 the "downtown" area, defined as the downtown core and downtown fringe areas as defined from time to
23 time, or "shopping centers" as defined in this article, provided that said establishment has met the other
24 requirements as set forth in this section and has provided a business plan that includes, but is not limited
25 to, a detailed plan to contain noise and music within its premises, as well as security and parking issues.

26 (1) Each licensee that desires to operate an outdoor seating area, must submit a permit request to the
27 local liquor control commissioner. The local liquor control commissioner shall have final approval
28 over any and all requests for an outdoor seating area. The application for outdoor seating area shall
29 include:

- 30 a. A hard copy of a dimensioned plan drawn to scale including property lines showing the
31 sidewalk or other outdoor space and all existing public improvements and encroachments
32 such as light posts, benches, planters, fencing, trash receptacles, fences, trees and tree
33 grates in the area, bicycle racks and newspaper boxes. The diagram shall also include the
34 location of the curb relative to the building and proposed location of all furniture and
35 equipment to be placed on the sidewalk or area. There shall be a single entry into the
36 outdoor seating area from within the licensed premise and that entryway must be from
37 within the licensed premise except for establishments located downtown. For businesses
38 in the downtown a security plan must be submitted detailing the means to be taken to
39 provide for adequate control of the area.
- 40 b. Proof that the applicant has written approval from the owner of the property for the outdoor
41 seating area to be used by the applicant if the applicant or the city is not the owner of the
42 property.
- 43 c. The applicant for an outdoor seating area shall provide the city with copies of the
44 certificates of insurance for the required policies for each type of insurance naming the city
45 as an additional, non-contributory insured party:

- 1 1. Worker's compensation insurance in at least the required statutory limits;
- 2 2. Comprehensive general liability insurance, including owner's protective liability
- 3 insurance and contractual liability insurance covering claims for personal injury
- 4 and property damage with limits of at least two million (\$2,000,000.00) dollars per
- 5 occurrence, and two million (\$2,000,000.00) dollars for any single injury; and
- 6 3. The required insurance policies shall each provide that they shall not be changed
- 7 or cancelled during the life of the licensee period or until thirty (30) days after
- 8 written notice of such change has been delivered to the city.

9

10 Sec 6-15 Entertainment

- 11 (a) Entertainment shall be allowed for all licenses that allow for consumption of alcoholic liquor on
- 12 the premises.
- 13 (b) Such entertainment shall conform to the following provisions:
- 14 (1) Entertainment shall be confined to a designated stage area that is separate from the audience
- 15 or in a designated lounge area.
- 16 (2) Dancing by patrons and customers shall be allowed only in areas specifically designated
- 17 for dancing.
- 18 (3) Entertainers at ~~Class A~~ Tavern establishments shall be at least twenty-one (21) years of
- 19 age.
- 20 (4) Entertainers may not solicit alcoholic beverages from customers or patrons of the
- 21 establishment in which the entertainer is performing.
- 22 (5) Entertainment for purposes of this chapter may consist of live acts, such as vocal soloists
- 23 or groups, instrumental soloists or groups or spoken word soloists or groups, disc jockeys,
- 24 karaoke, and pay-per-view streamed events.
- 25 (c) Admission may be charged to the lounge only, at the lounge entrance itself, and only when
- 26 entertainment is provided. No cover charge, admission charge or other type of charge may be
- 27 charged to enter the premises of a restaurant.
- 28 (d) No licensee shall allow the sale, modeling or display of lingerie, swimwear or sexually explicit
- 29 clothing on the licensed premises.
- 30 (e) No licensee shall allow entertainment of a sexual nature, including, without limitation, mud
- 31 wrestling or wrestling in any other medium or erotic, topless or nude dancers.
- 32 (f) Licensee shall notify the local liquor control commissioner or his designee at least five (5) business
- 33 days in advance of any entertainment, giving the name and nature of the entertainment and the
- 34 timeframe in which the entertainment will take place at the licensee establishment.

1 Sec 6-18 Signs

2 In addition to the requirements of any sign ordinance, all signs on licensed premises and adjacent premises
3 shall comply with the following:

- 4 1. The licensee shall establish or maintain on the licensed premises or adjacent premises an exterior
5 sign which identifies the licensed premises and may identify the type of business.
6 2. Exterior signs on the premises of ~~Class B~~—Fraternal Society or Club, ~~Class F~~—Beer and Wine
7 Restaurants and ~~Class G~~—Package Beer and Wine licensed establishments must be limited to those
8 which identify the establishment and readerboards which shall not advertise alcoholic beverages.

9

10 Sec 6-25 Carrying Of Alcoholic Liquor From The Premises

- 11 1. It shall be unlawful for any person to carry any alcoholic liquor in an unsealed or opened container
12 from the licensed premises where such alcoholic liquor was purchased.
13 2. No licensee or employee of a licensee under this article shall permit any patron to violate this
14 section nor continue to sell alcoholic liquors to any person knowing that such person intends to
15 carry the alcoholic liquor from the licensed premises in an open or unsealed container.
16 3. It shall be unlawful for any licensee, owner, manager, bartender or any employee of said licensee
17 to allow any patron to leave the licensed premises with open liquor.
18 4. It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or
19 upon or about any passenger area of a motor vehicle in the city except in the original package and
20 with the seal unbroken.
21 5. Notwithstanding any other provision of this section, ~~Class E~~—Restaurant and ~~Class F~~—Beer and
22 Wine Restaurant liquor licensees may permit a patron to remove one (1) unsealed and partially
23 consumed bottle of wine for off-premises consumption provided that the patron has purchased a
24 meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A
25 partially consumed bottle of wine that is to be removed from the premises pursuant to this section
26 shall be securely sealed by the licensee or an agent of the licensee prior to removal from the
27 premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the
28 licensee shall provide a dated receipt for the bottle of wine to the patron.
29 6. This section shall not apply to the passengers in a limousine when it is being used for purposes for
30 which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for
31 purposes for which chartered buses are ordinarily used or on a motor home or mini motor home, as
32 defined herein. However, the driver of any such vehicle is prohibited from consuming or having
33 any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the
34 driver shall be prima facie evidence of such driver's failure to obey this section.