



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 022-007
DATE OF PASSAGE February 8, 2022

An Ordinance Amending Sections 6-2, 6-4, 6-10, 6-13 and 6-28 of Chapter 6 - Alcoholic Liquor, of the Code of Ordinances.

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 remain current with changing business needs.

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Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.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

Section Five: That the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive, clerical or formatting changes and amendments to Exhibit A as necessary for codifying and updating this ordinance in municode.

ORDINANCE NO. 022-007

LEGISTAR NO. 22-0003

PASSED AND APPROVED ON February 8, 2022

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 6-2 Definitions**

2

3 **Boutique Package Sales Endorsement** shall mean an endorsement available to licensees whose primary

4 business is the sale of goods, including but not limited to clothing, gift items and novelty items other than

5 alcoholic liquor. A boutique package sales endorsement authorizes the retail sale of alcoholic liquor in the

6 original package for consumption off premises. The alcoholic liquor authorized for retail sale for

7 consumption off premises shall comprise less than five percent (5%) of the licensee's total sales volume.

8 Only businesses located in the Downtown Core Entertainment District or the Downtown Fringe

9 Entertainment District are eligible to apply for this endorsement.

10

11 **Brewery/brewpub** authorizes an establishment to: a) manufacture/produce beer only on the specified

12 licensed premises, b) furnish samples of the manufactured/produced beer for consumption on the

13 premises, c) sell the manufactured/produced beer by the glass for consumption on the premises, d) sell

14 the manufactured/produced beer in the original corked, capped or sealed and labeled container for

15 consumption on or off the premises e) utilize a single guest tap for the retail sale of craft beer or alcoholic

16 cider not manufactured on the licensed premises or by the licensee, for consumption on the premises. A

17 full-service kitchen is not required; however, food must be available to patrons at all times that alcohol is

18 being served, from a menu approved by the local liquor commissioner. Video gaming on the premises is

19 not permitted unless the establishment also meets all of the requirements of a Full-Service Restaurant

20 and all requirements specified in Article IV, Division 5 entitled "Video Gaming" and is outside of any

21 designated Entertainment District.

22

23

24 **BYOB or (bring your own bottle) Endorsement** shall mean ~~the practice of~~ an endorsement allowing

25 businesses holding a current on-site consumption liquor license to permit patrons ~~of a licensed~~

26 ~~establishment inviting public patronage~~ to bring and consume beer and wine on the licensed premises.

27 A corkage fee may be assessed to the participating patrons. Consumption of ~~corkage~~ BYOB beer and

28 wine shall be limited to those patrons dining in the restaurant ~~and seated at a table~~. All applicable state

29 and local laws, ordinances, rules and regulations shall apply, including, without limitation, that an on-

30 site consumption licensee must maintain a valid on-site liquor license in good standing. the

31 ~~requirements set forth in section 6-23 regarding completion of a state-certified beverage alcohol sellers~~

32 ~~and service education and training program prior to issuance of permit.~~ Alcohol may only be sold, given

33 away, dispensed or consumed at a business holding an appropriate and valid city and state liquor

34 license. BYOB is only allowed at licensed businesses with a BYOB endorsement. See Sec 6-2 for the

35 definition of Sale (to sell).

36

37 **Craft brewery** means an establishment where beer is brewed or manufactured and stored on the licensed

38 premises in quantities not exceeding those prescribed by the Illinois Liquor Control Act of 1934, as

39 amended from time to time, for a Craft Brewer's License. The establishment may include a tasting room

40 where beer brewed or manufactured onsite is available for sampling and purchase. The licensee may

41 utilize a single guest tap for the retail sale of craft beer or alcoholic cider not manufactured on the licensed

42 premises or by the licensee, for consumption on the premises. A full-service kitchen is not required

43 however, food must be available to patrons at all times that alcohol is being served, from a menu

44 approved by the local liquor commissioner. Video gaming on the premises is not permitted.

1 **Liquor Store/Full Liquor Store License** authorizes the licensee to sell to the general public, of at least
2 twenty-one (21) years of age or older, alcoholic liquor in original packages only, for consumption off the
3 premises where sold. ~~Nothing in this subsection shall be construed as prohibiting the~~ The sale of
4 packages containing six (6) single containers of beer, including such packages consisting of various single
5 containers of beer chosen by the customer is permitted. Tastings are permitted but must comply with
6 Illinois State regulations (Section 5/6-31 of the Illinois Liquor Control Act as amended from time to time).
7 New licenses in this class may only be issued to establishments meeting the following criteria:

8 (a) Located in the downtown core as defined by zoning ordinance; or

9 (b) Located in a shopping center as defined herein; or

10 (c) Businesses located outside of the downtown with more than ten thousand (10,000) square feet
11 devoted exclusively to retail sales and whose primary purpose is other than the sale of alcoholic
12 liquors, including but not limited to grocery stores or drug stores; or

13 (d) Businesses located outside of the downtown with more than ten thousand (10,000) square feet
14 devoted exclusively to retail sales and whose primary purpose is the sale of alcoholic liquor,
15 including but not limited to stand-alone liquor stores; or

16 (e) Businesses meeting the requirements of an E-Commerce Delivery Store.

17 No establishments which sell gasoline are eligible for this license. Does not include discount or dollar
18 stores. Video gaming on the premises is not permitted.
19

20 21 **Sec 6-4 License Required**

22
23 It shall be unlawful for any person or business to sell or offer for sale at retail in the corporate limits of the
24 city any alcoholic liquor without a local liquor license and the appropriate liquor license issued by the State
25 of Illinois. This license shall allow the licensee to sell or offer for sale at retail, only on the premises
26 specified on such license, alcoholic liquor for use or consumption, but not for resale in any form. No such
27 license hereunder may be transferable between any persons, premises, locations, or entities. As contained
28 herein, the definition of Sale includes selling, giving away, dispensing, providing mix, ice, water or glasses
29 for consumption of alcoholic liquor, pouring, providing of setups, and storage of any alcoholic liquor.

1 **Sec 6-10(b) BYOB (bring your own bottle) ~~permit~~ Endorsement.** Businesses holding a current on-
2 site consumption liquor license are eligible to apply for a BYOB endorsement. A BYOB endorsement is
3 available as an endorsement to an existing on-site consumption liquor license and may be issued by the
4 local liquor commissioner subject to the following conditions:

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

1 **Sec 6-13(c) Allowed Areas**

2 (a) A liquor license shall be issued only to establishments located in those portions of the city
3 hereinafter classified as predominantly business in character, unless otherwise provided.

4 (b) For the purposes of this chapter the following described portions of the city are predominantly
5 business in character:

6 (1) Downtown, as defined herein.

7 (2) Shopping centers, as defined herein.

8 (3) Contiguous areas of at least fifteen (15) acres which are zoned as B-2 Business District—
9 General Retail, B-3 Business and Wholesale District, BB Business—Boulevard District,
10 ORI Office, Research and Light Industry District or M-1 Manufacturing District, Limited
11 or combinations of said districts under the chapter 49 of this code and the zoning map
12 attached thereto. In addition, any land zoned PDD-Planned Development District shall be
13 included to the extent that such land has been designated for uses similar to the above
14 zonings. Any area zoned R-1, R-2, R-3, R-4, R-5, B-1, M-2, downtown core, downtown
15 fringe is specifically excluded from said business districts.

16 (c)

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

20 (2) No new liquor licenses may be issued to any establishment that is within five hundred (500)
21 feet of a residential property without the applicant obtaining the approval of the liquor
22 commissioner through the hearing process established in section 6-13(d)(2-4), provided the
23 property has adequate off-street parking, and complies with all other requirements of the
24 Code. However, if the business is located in the downtown or a shopping center, as defined
25 above, then a liquor license may be issued without the need for a ~~special-use permit~~
26 conditional use permit so long as the business complies with all other requirements of the
27 Code. Licensees identified as Taverns, Fraternal Societies or Clubs, Package Liquor and
28 Auditoriums prior to January 1, 2003 in portions of the city located within five hundred
29 (500) feet of a residential property shall not be required to obtain approval from the liquor
30 commissioner in order to renew their existing liquor license.

31 (d) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet
32 of a church, grade school, middle school, alternative school or high school, hospital, or home for
33 indigent persons. However, if the license is located in the downtown or a shopping center, as
34 defined above, then a Class D license may be issued if the license is not located within one hundred
35 (100) feet of a grade school, middle school, alternative school or high school. In the case of a
36 church, the distance of one hundred (100) feet shall be measured to the nearest part of any building
37 used for worship services or educational programs and not to property boundaries.

38 (1) The liquor commissioner may grant a reduction of the distance requirement in this
39 subsection (d), based on a finding from an administrative hearing officer that such a
40 reduction would not detrimentally affect the church, grade school, middle school,
41 alternative school or high school, hospital or home for indigent persons within one hundred
42 (100) feet of the premise proposed to be licensed. If a reduction is granted, applicants must
43 still comply with all other application requirements associated with the issuance of a liquor
44 license.

45 (2) The hearing officer shall consider the following factors in reviewing a reduction in the
46 distance requirement:

47 a. The type of activity to be conducted at the premises proposed to be licensed and
48 the days and times during which such activity will take place;

49 b. The size of the applicant's business and the affected establishment;

- 1 c. The availability of adequate parking for patrons of both the applicant's business
- 2 and the affected establishment;
- 3 d. Whether the applicant is seeking a license to permit consumption of liquor at its
- 4 premises or for the sale of package goods;
- 5 e. Reports from the police regarding the location, as well as the history of activity
- 6 conducted at or in conjunction with the premises and any associated infractions or
- 7 violations of state law or local ordinances;
- 8 f. The relevant geography and location of the applicant's business;
- 9 g. The legal nature and history of the applicant; and
- 10 h. The measures the applicant proposes to implement to maintain quiet and security
- 11 in conjunction with the establishment.
- 12 (3) An applicant seeking a distance requirement reduction shall make a written submission to
- 13 the city clerk for review by an administrative hearing officer. Upon receiving a completed
- 14 application the city clerk shall notify the alderman's office. The application shall present
- 15 all factors the applicant believes to be relevant to whether a reduction is appropriate.
- 16 Aldermen and/or representatives of the city will also have an opportunity to submit
- 17 information they believe to be relevant to the hearing officer's recommendation. The
- 18 request for reduction shall be accompanied by an additional fee of up to one thousand
- 19 dollars (\$1,000.00) to defer the costs of the administrative hearing officer. The hearing
- 20 officer shall review the information provided and shall incorporate it in to the hearing
- 21 officer's decision for the liquor commissioner's review and approval.
- 22 (4) If the liquor commissioner grants a liquor license with a distance reduction, the factors that
- 23 were deemed relevant to the hearing officer's finding may be included in a plan of conduct.
- 24 Any such plan of conduct shall be deemed a part of the license, and compliance with the
- 25 plan of conduct shall be a necessary condition to the continued validity of the license.
- 26 Failure to comply with one (1) or more elements of the plan of conduct shall subject the
- 27 licensee to suspension or revocation of the liquor license.
- 28 (e) No Tavern license, as defined in section 6-2, shall be issued for any location that is within five
- 29 hundred (500) feet of any location for which any existing license is held except in the "downtown"
- 30 or "shopping centers."
- 31 (f) Nothing contained in this section shall preclude the issuance of a Class A—Package Beer and Wine
- 32 License to establishments with more than ten thousand (10,000) square feet devoted exclusively to
- 33 retail sales and whose primary purpose is other than the sale of alcoholic liquors; provided, that
- 34 said establishment has met the appropriate zoning regulations, has adequate off-street parking and
- 35 has complied with the other requirements of this Code.

36

Sec 6-28 Hours of Operation

(a) ~~(1)~~ On-Site Consumption. Businesses licensed ~~The licensee may~~ to sell alcoholic liquor for consumption on the licensed premises may sell or permit to be sold for consumption on the licensed premises, alcoholic liquors only between the following hours, unless otherwise provided:

- (1) Monday through Thursday from 6:00 a.m. to 1:00 a.m. the following morning day;
- (2) Friday and Saturday from 6:00 a.m. to 2:00 a.m. the following morning day;
- (3) Sunday ~~12:00 noon~~ from 9:00 a.m. (with the service of food) to 1:00 a.m. the following morning day;
- (4) Thanksgiving Eve from 6:00 a.m. to 2:00 a.m. on Thanksgiving morning; and
- (5) New Year's Eve from 6:00 a.m. to 2:00 a.m. on New Year's Day morning.

Day	Hours
Monday through Thursday:	6:00 a.m. to 1:00 a.m. the following day
Friday and Saturday:	6:00 a.m. to 2:00 a.m. the following day
Sunday:	12:00 noon to 1:00 a.m. the following day
The days before:	
Thanksgiving Day	6:00 a.m. to 2:00 a.m.
New Year's Day	the following day

(b) ~~(2)~~ Off-Site Consumption. Businesses licensed to sell alcoholic liquor for consumption off of the licensed premises may sell or permit to be sold for consumption off of the licensed premises, alcoholic liquor only between the following hours, unless otherwise provided: Licensees holding Class A Tavern, Class C Package Liquor or Class G Package Beer and Wine Liquor Licenses may sell or permit to be sold for consumption off the premises, alcoholic liquor only between the following hours:

- (1) Monday through Thursday from 6:00 a.m. to 11:00 p.m.;
- (2) Friday and Saturday from 6:00 a.m. to 1:00 a.m. the following morning;
- (3) Sunday from 9:00 a.m. to 12:00 midnight.

Day	Hours
Monday through Thursday:	6:00 a.m. to 11:00 p.m.
Friday and Saturday:	6:00 a.m. to 1:00 a.m. the following day
Sunday:	9:00 a.m. to 12:00 midnight

1 ~~(c) Provided, however, that~~ Licensees located in the River Edge Redevelopment Plus Zone shall only sell
2 or permit to be sold alcoholic liquor, beer and wine beginning at 9:00 a.m. Sunday through Friday, and
3 beginning at 7:00 a.m. on Saturday.

4 ~~(4) (d)~~ Due to the primarily entertainment and exclusive nature of this use, the ~~Class-L~~ Casino Facility
5 licensee may sell or permit to be sold or consumed on or in its licensed premises, alcoholic liquor ~~beginning~~
6 ~~no in no event earlier than 6:00 a.m. and ending no in no event later than 2:00 a.m.; however, alcohol may~~
7 ~~not be sold or consumed prior to noon on Sundays except in conjunction with a meal~~ in compliance with
8 the State of Illinois Liquor Control Act and the Illinois Gaming Board Rules.

9 ~~(b)~~

10 ~~(H)(e) New Year's Eve/-Day Extension of Business Hours. Any license, classifications which allow for the~~
11 ~~consumption of alcoholic liquor on the premises may remain open~~

12 (1) All licensees licensed for on-site consumption may automatically remain open on New Year's Eve until
13 2:00 a.m. on New Year's Day.

14 (2) All licensees licensed for on-site consumption ~~furthermore, any such establishment~~ may submit an
15 application to remain open and sell alcohol for on-site consumption ~~request to sell alcoholic liquor~~ between
16 2:00 a.m. and 4:00 a.m. on the morning of New Year's Day; provided that such request shall be subject to
17 the following requirements:

18 ~~a. (i)~~ A written ~~request~~ application for extension of business hours shall be submitted to the local liquor
19 control commissioner on or before December 15 each year ~~prior to the date~~ for which permission is sought.

20 ~~b. (ii)~~ A non-refundable fee shall be submitted with the application for extension of business hours. ~~The fee~~
21 ~~for said time extension shall be fifty dollars (\$50.00) and shall be submitted with the application.~~

22 ~~e. (iii)~~ An approved ~~The~~ licensee shall close and secure the entrance doors ~~at~~ between 2:00 a.m. and 4:00
23 a.m. on the morning of New Year's Day, and ~~so as not to~~ allow any new customers to enter the premises
24 after ~~that hour.~~ 2:00 a.m. The licensee shall stop serving alcohol at 3:30 a.m. on the morning of New Year's
25 Day.

26 ~~d. (iv)~~ New Year's Eve/Day extension of business hours shall not ~~Such extension shall not~~ be granted for
27 ~~issued to~~ those locations primarily zoned residential ~~in the residential areas listed~~ under subsection 6-13(c).

28 ~~e. (v)~~ The local liquor control commissioner may discretionarily deny such request from any establishment
29 that has had its liquor license suspended within the past year or for any establishment that currently owes
30 the city money or has been found to be in violation of any city codes within the past twelve (12) months.
31 Establishments with active alcohol-related public nuisance abatement plans will not be eligible for the
32 extension of hours.

33 (f) Discretionary Extension of Business Hours for Special Dates.

34 (1) All licensees licensed for on-site consumption may submit an application to the local liquor control
35 commissioner to open and sell alcohol for on-site consumption one (1) hour early and to extend closing
36 hours by one (1) hour per the hours as set forth in section 6-28(a). Each licensed establishment may be
37 granted extended hours for special dates up to two (2) times per calendar year. Licensees are free to request
38 any date of the year to apply as a Special Date. A New Year's Eve extension through 4:00 a.m., if granted,
39 does not count toward a licensee's limit of two (2) special date extensions per calendar year.

40 (2) The local liquor control commissioner may deny such request from any establishment that has had its
41 liquor license suspended within the past year or for any establishment that currently owes the city money
42 or has been found to be in violation of any city codes within the past twelve (12) months. Establishments

1 with active alcohol-related public nuisance abatement plans will not be eligible for the extension of hours.
2 The local liquor control commissioner may discretionarily deny such request.

3 ~~(2) Brunch hours. Licensees holding Class B Fraternal Society or Club, Class E Restaurant, Class H Golf~~
4 ~~Course/Clubhouse, and Class J Hotel (Full Service) Liquor Licenses liquor licenses may, in addition to the~~
5 ~~above-stated hours, sell or permit to be sold alcoholic liquor for consumption on the premises, provided~~
6 ~~said sale is in conjunction with service of a meal, on Sundays between 10:00 a.m. and 12:00 noon.~~

7 ~~(e)~~ (g) After hours. No person, except peace officers in the performance of law enforcement duties, the
8 licensee and his employees or agents actually working, shall be present in a licensed premises between the
9 hour of closing and the hour of opening as established in this section; provided, that if the license is issued
10 for a business which is not predominantly for the sale of alcoholic liquor, such as hotels, recreational
11 facilities, bowling alleys, restaurants, private/social clubs or retail stores, such licensee may keep his place
12 of business open, subject ~~only~~ to the provisions that no sale of alcohol or consumption of alcohol ~~by persons~~
13 shall be permitted on the premises during the hours prohibited, and subject to all other applicable state and
14 local laws.