



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 022-023
DATE OF PASSAGE April 26, 2022

An Ordinance amending Chapter 6 Sec. 6-2, 6-8 and 6-14 of the Code of Ordinances relating to the delivery of alcohol.

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, as a result of recently enacted State law preempting the city's home rule authority to regulate the delivery of alcohol by liquor license holders, it is necessary to amend the code in compliance with State law.

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

Section One: That Chapter 6 Sec. 6-2, 6-8 and 6-14 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Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

Section Five: That the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive or clerical changes to Chapter 6, Sec. 6-2, 6-8 and 6-14 as necessary for purposes of updating Municode.

ORDINANCE NO. 022-023

LEGISTAR NO. 22-0149

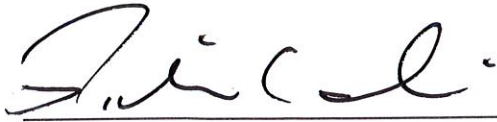
PASSED AND APPROVED ON April 26, 2022

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

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	absent
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**

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3 ~~Delivery endorsement allows for the delivery of beer and wine only from a licensed business in original~~
4 ~~containers to a specific address within city limits. There shall be no display or advertising of alcoholic~~
5 ~~beverages on any residential premises. Alcoholic liquor delivered to any premises located in the city~~
6 ~~which does not hold a valid liquor license or grocery store pick-up is subject to the following restrictions:~~
7 ~~Alcoholic liquor must be delivered by an individual of at least twenty-one (21) years of age or older;~~
8 ~~Deliveries must not be between the hours of 11:00 p.m. and 9:00 a.m. on weekdays and 11:00 p.m. and~~
9 ~~11:00 a.m. on Sundays; Payments may not be accepted nor orders placed at the delivery location; The~~
10 ~~express carrier, common carrier or contract carrier or agent of a liquor license holder that carries or~~
11 ~~transports alcoholic liquor into or within the city shall not deliver or leave such deliveries without~~
12 ~~requiring signature of an individual twenty-one (21) years of age or older; Adequate evidence of proof of~~
13 ~~age should be produced to the delivery agent in all instances of delivery; A record shall be kept by the~~
14 ~~express company, common carrier or contract carrier or agent of a liquor license holder who delivers~~
15 ~~alcoholic liquor into or within the city indicating the purchaser's name, address, driver's license/state~~
16 ~~identification number, time, date and place of delivery and the individual's deliverer's identity.~~

17
18 Delivery shall be as defined by state law in 235 ILCS 5/5-1(d).

19
20
21 *E-Commerce Delivery* allows for the delivery of alcoholic liquor along with other convenience items as
22 required in conjunction with an E-Commerce Delivery Store as defined herein, from a licensed business in
23 original containers to a specific address, as defined by state law in 235 ILCS 5/5-1(d). Alcoholic liquor
24 delivered to any premises which does not hold a valid liquor license is subject to the ~~following restrictions~~
25 imposed by state law in 235 ILCS 5/6-16 in addition to the following restrictions: Alcoholic liquor must be
26 delivered by an individual of at least twenty-one (21) years of age or older; Deliveries of alcoholic liquor
27 are allowed between the hours of 6:00 a.m. to 1:00 a.m. Monday through Thursday, 6:00 a.m. to 2:00 a.m.
28 Friday and Saturday, and 9:00 a.m. to 1:00 a.m. on Sunday; Payments may not be accepted nor orders
29 placed at the delivery location; The E-Commerce Delivery Store must obtain and maintain a record of the
30 driver's license/state identification number from each person placing an order for alcoholic liquor; The
31 express carrier, common carrier or contract carrier or agent of a liquor license holder that carries or
32 transports alcoholic liquor into or within the city shall not deliver or leave such deliveries without requiring
33 signature of the individual being twenty-one (21) years of age or older who placed the order and submitted
34 payment to the E-Commerce Delivery Store; a driver's license/state identification number identifying the
35 person receiving the delivery as the person who placed the order, along with proof that the recipient is
36 twenty-one (21) years of age or older shall be produced to the delivery agent in all instances of delivery; A
37 record shall be kept by the express company, common carrier or contract carrier or agent of a liquor license
38 holder who delivers alcoholic liquor into or within the city indicating the purchaser's name, address, driver's
39 license/state identification number, time, date and place of delivery, the recipient of the delivery, and the
40 individual deliverer's identity.

Sec 6-8 Classification Of Licenses

1. *Classification of liquor licenses.* There shall be the following classification of licenses:

1. Class A - Packaged Sales.

1. Authorizes the licensee to sell to the general public who are twenty-one (21) and above alcohol in its original packages for consumption off the premises where sold. Nothing in this subsection shall be construed as prohibiting the sale of packages containing six (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the customer.
2. E-Commerce delivery store, convenience store, farmer's market, florist, gas station, grocery store, hotel, liquor store, package sales beer/wine only, package sales gas station, and specialty basket as herein defined in section 6-2 shall have a Class A - Packaged sales license.
3. Each licensee shall follow any restrictions set forth in section 6-2 for the type of license they have.
4. No establishments which sell gasoline may sell liquor, only beer and wine.
5. Available endorsements for some Class A - Package Sales license holders are: gas station, ~~delivery~~, drive-thru and farmer's market.
6. Video gaming on the premises is not permitted.

2. Class B - On-Site Consumption.

1. Authorizes the licensee to sell to members of the general public who are twenty-one (21) and above beer, wine, or alcoholic liquor by the drink for consumption on premises in conjunction with the sale of food for consumption on the premises.
2. Service of alcoholic liquor shall be only during the time that food is prepared on the premises and is available to be served and a menu, approved by the liquor commissioner is in effect, unless otherwise specified in section 6-2.
3. Each licensee shall follow any restrictions set forth in section. 6-2 for the type of license they have.
4. Available endorsements for Class B - On-Site Consumption license holders are: package sales, video gaming (limited), and outdoor seating.
5. Video Gaming will not be permitted on premises unless the licensee meets the definition of Full-Service Restaurant in section 6-2 and the requirements of Chapter 8, Article IV, Division 5, entitled "Video Gaming."

3. *Class C - Specialty On-Site Consumption.*

1. Authorizes the licensee to sell to members of the general public who are twenty-one (21) and above beer, wine, or alcoholic liquor by the drink for consumption on premises. Food service regulations for a Class C license are less restrictive for certain licensee types as described in section 6-2.
2. Each licensee shall follow any restrictions set forth in section 6-2 for the license they have.
3. Licensees with Class C - Specialty On-Site Consumption can apply for the following endorsements: package sales.
4. Video gaming on the premises is not permitted.

4. *Class D - Specialty By Area.*

1. Downtown Core Entertainment District.

1. In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue Class A, B, and C (excluding gas stations and new licenses for liquor stores) licenses authorizing the sale or service of alcoholic liquor at Downtown Core

- 1 Entertainment District venues in accordance with this section. Such
2 license will be known as Class D - Downtown Core Entertainment District
3 License, as defined in section 6-2, and any person holding such a license
4 shall be known as a Class D - Downtown Core Entertainment District
5 licensee.
- 6 2. Licensees in the Downtown Core Entertainment District can apply for the
7 following endorsements: package sales, ~~delivery~~, and outdoor seating.
- 8 3. Food service regulations for a Class D - Downtown Core Entertainment
9 District licensees are less restrictive for certain licensee types as described
10 in section 6-2.
- 11 2. Downtown Fringe Entertainment District
- 12 1. In addition to the other categories of licenses authorized under this chapter,
13 the local liquor control commissioner may issue Class A, B, and C
14 (excluding gas stations and new licenses for liquor stores) licenses
15 authorized the sale or service of alcoholic liquor at Downtown Fringe
16 Entertainment District venues in accordance with this section. Such
17 license will be known as Class D - Downtown Fringe Entertainment
18 District License, as defined in section 6-2, and any person holding such a
19 license shall be known as a Class D - Downtown Fringe Entertainment
20 District licensee.
- 21 2. Licensees in Downtown Fringe Entertainment District can apply for the
22 following endorsements: package sales, ~~delivery~~, and outdoor seating.
- 23 3. Seat requirements: The license shall also be available for premises defined
24 as restaurants herein that have a minimum seating capacity of thirty (30)
25 seats on the same floor or level, inclusive of the seating around a bar used
26 for alcoholic liquor consumption.
- 27 4. Food service regulations for a Class D - Downtown Fringe Entertainment
28 District licensees are less restrictive for certain licensee types as described
29 in section 6-2.
- 30 3. Fox Valley Mall Entertainment District
- 31 1. In addition to the other categories of licenses authorized under this chapter,
32 the local liquor control commissioner may issue Class A, B, and C
33 (excluding gas stations) licenses authorized the sale or service of alcoholic
34 liquor at Fox Valley Mall Entertainment District venues in accordance
35 with this section. Such license will be known as Class D - Fox Valley Mall
36 Entertainment District License, as defined in section 6-2, and any person
37 holding such a license shall be known as a Class D - Fox Valley Mall
38 Entertainment District licensee.
- 39 2. Licensees in the Fox Valley Mall Entertainment District can apply for the
40 following endorsements: package sales, ~~delivery~~, outdoor seating and
41 strolling.
- 42 3. Video Gaming will not be permitted on premises unless the licensee meets
43 the definition of Full-Service Restaurant in section 6-2 and the
44 requirements of Chapter 8, Article IV, Division 5 entitled "Video
45 Gaming."
- 46 4. Farnsworth Bilter Entertainment District.
- 47 1. Reserved.
- 48 2. *Number of licenses, endorsements and required fees.* The city council shall from time-to-time by
49 resolution determine the fees and fix the number of licenses and endorsements available in each
50 classification.

3. *Conversion.* On August 31, 2020, the commissioner shall convert all valid licenses authorizing the sale of alcoholic liquor at retail as follows:

1. Licenses for Packaged Sales. The commissioner shall convert all valid licenses issued under any previous city ordinances authorizing the retail sale of alcoholic liquor in original packages for consumption off the premises where sold shall be converted to Class A licenses under this ordinance.
2. Licenses for On-Site Consumption. The commissioner shall convert all valid licenses issued under any previous city ordinance authorizing the retail sale of alcoholic liquor for consumption on the premises where sold shall be converted to Class B licenses under this ordinance. Further, and notwithstanding any other provision of this code to the contrary, the commissioner shall, at the time of the conversion, grant a video gaming endorsement for any Class B license converted under this paragraph if, and only if, a video gaming terminal authorized by the Video Gaming Act is lawfully operated the premises embraced by said license on the effective date of this ordinance.
3. Conversion Class C License. Notwithstanding the provisions of paragraph (a) and (b) above, the commissioner shall convert any valid Class F1 license to a Class C license.
4. Number of licenses upon conversion. The maximum aggregate number of Class A, Class B, and Class C licenses available at the time of the conversions contemplated herein shall be equal the total number of licenses eligible for conversion. Upon conversion, the number of licenses available in each class shall be equal to the number of licenses converted to each class.

(Code 1969, § 6-8; Ord. No. O86-5553, § 2, 9-2-86; Ord. No. O87-5622, § 1, 1-17-87; Ord. No. O89-66, § 1, 7-5-89; Ord. No. O89-69, § 1, 7-18-89; Ord. No. O90-14, § 1, 9-18-90; Ord. No. O93-45, § 1, 6-1-93; Ord. No. O93-50, § 1, 6-15-93; Ord. No. O93-69, § 1, 9-7-93; Ord. No. O94-91, § 1, 9-6-94; Ord. No. O96-74, § 3, 6-25-96; Ord. No. O99-37, § 1, 5-25-99; Ord. No. O02-158, § 4, 12-10-02; Ord. No. O04-43, § 2, 4-27-04; Ord. No. O05-18, § 1, 2-22-05; Ord. No. O05-91, § 1, 7-12-05; Ord. No. O08-105, § 1, 11-14-08; Ord. No. O10-030, § 1, 6-8-10; Ord. No. O11-004, § 1, 3-8-11; Ord. No. O11-021, § 1, 5-24-11; Ord. No. O15-053, 8-25-15; Ord. No. O16-013, 3-8-16; Ord. No. O16-040, 6-28-16; Ord. No. O16-044, 7-12-16; Ord. No. O16-063, § 1, 9-13-16; Ord. No. O16-070, § 1, 11-8-16; Ord. No. O17-004, 2-14-17; Ord. No. O18-003, 1-23-18; Ord. No. O18-011, 1-23-18; Ord. No. O18-027, 3-13-18; Ord. No. O18-119, § 1(Exh. A), 12-19-18; Ord. No. O19-066, 10-8-19; Ord. No. O20-023, 4-14-20)

HISTORY

Amended by Ord. [O21-034](#) on 7/13/2021

Sec 6-14 Drive-Through And Delivery Service

- (a) Drive-Through. No licensee under this chapter shall sell alcoholic liquor at a drive-through facility without a valid drive-through endorsement as defined in Sec 6-2 herein.
- (b) Delivery. Alcoholic liquor delivered to any premises located in the city which does not hold a valid liquor license or grocery store pick-up is subject to the requirements as defined by state law in 235 ILCS 5/5-1(d). Alcoholic liquor delivered to any premises which does not hold a valid liquor license is subject to the following restrictions imposed by state law in 235 ILCS 5/6-16 in addition to the following restrictions:
- (1) Alcoholic liquor must be delivered by an individual of at least twenty-one (21) years of age or older.
 - (2) Deliveries must not be between the hours of 11:00 p.m. and 9:00 a.m. on weekdays and 11:00 p.m. and 11:00 a.m. on Sundays.
 - (3) Payments may not be accepted nor orders placed at the delivery location.
 - (4) The express carrier, common carrier or contract carrier or agent of a liquor license holder that carries or transports alcoholic liquor into or within the city shall not deliver or leave such deliveries without requiring signature of an individual twenty-one (21) years of age or older.
 - (5) Adequate evidence of proof of age should be produced to the delivery agent in all instances of delivery.
 - (6) A record shall be kept by the express company, common carrier or contract carrier or agent of a liquor license holder who delivers alcoholic liquor into or within the city indicating the purchaser's name, address, driver's license/state identification number, time, date and place of delivery and the individual's deliverer's identity.