



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 024-069
DATE OF PASSAGE November 26, 2024

An Ordinance Amending Chapter 6 - Sections 6-5, 6-7 and 6-20 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, the Illinois Liquor Control Act prohibits individuals with certain criminal offenses in their backgrounds from acting as a manager of a liquor licensed business; and

WHEREAS, the City of Aurora requires all managers to obtain fingerprints/background checks every three (3) years as a requirement of their employer's liquor license application and/or liquor license renewal application; and

WHEREAS, the requisite lack of a criminal history can be determined by sworn affidavit of the business owner instead of expending the time and expense required to obtain manager fingerprints/background checks every three (3) years or for each new manager; and

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

Section One: That Sections 6-5, 6-7 and 6-20 of Chapter 6 of the Code of Ordinances 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 passage and approval.

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

ORDINANCE NO. 024-069
DATE OF PASSAGE November 21, 2024

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 Corporation Counsel and the City Clerk are authorized to correct scrivener's errors that do not substantively alter the meaning of the ordinance.

ORDINANCE NO. 024-069

LEGISTAR NO. 24-0838

PASSED AND APPROVED ON November 26, 2024

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ALDERMAN	Vote
Alderman Barreiro, Ward 1	absent
Alderdwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderdwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderdwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	yes

ATTEST:


City Clerk, Jennifer Stallings


Mayor Pro-Tem, Michael B. Saville

Sec 6-5 Application For License

- (a) Only completed applications, with required documentation, shall be considered by the liquor control commissioner. No license may be issued until all information and documentation required in the application has been provided. Applications deemed incomplete and remaining incomplete for longer than sixty (60) business days shall be denied.
- (b) Applicants for a liquor license shall provide the local liquor control commissioner with a complete liquor license application containing the following information:
- (1) The applicant's full name, address, and date of birth.
 - a. In the case of an individual the full name, address, and date of birth of the applicant.
 - b. In the case of a co-partnership the full name, address, and date of birth of all persons entitled to share in the profits thereof.
 - c. In the case of a corporation the name, address, and date of birth of all officers, directors, regional manager, on-site manager and persons owning directly or beneficially stock of such corporation in excess of 5%.
 - d. In the case of a limited liability company, the name, address, and date of birth of all members and managers directly owning or having an interest in such entity.
 - (2) The full name, address, and date of birth of the person acting as manager of a licensed premises.
 - (3) Reserved.
 - (4) The length of time the applicant has been in such business or, in the case of a corporation, the date when its charter was issued. In addition:
 - a. If an Illinois corporation, the date of incorporation and a certificate of good standing from the Illinois Secretary of State shall be provided.
 - b. If a foreign corporation, the date of becoming qualified to transact business under the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.] to transact business in Illinois shall be provided.
 - c. If an Illinois limited liability company, the date of organization and a certificate of good standing from the Illinois Secretary of State shall be provided.
 - (5) The location and detailed floorplan of the place of business which is to be operated under such license. In addition:
 - a. The name and address of the owner of the premises shall be given. If the premises is held in a trust the names and addresses of all owners of the beneficial interests of the trust shall be given.
 - b. If the premises is a leased premises, a copy of the lease shall be provided. Such lease shall be for a term of sufficient length to encompass the period of the license sought.

- (6) Whether applicant has made application for a similar license or any other license for the premises except as described in this application and the disposition of such application.
- (7) Whether a previous license by any state or subdivision thereof, or by the federal government has been issued, if so where and when, or if any such license has been revoked or suspended and the reasons thereof.
- (c) The application shall be sworn to by the applicant, if an individual, by at least two (2) members of any partnership applying for such a license, and applications submitted by corporations shall be subscribed and sworn to by the president of said corporation and attested to by the secretary of the corporation for that purpose. Applications by limited liability companies shall be subscribed and sworn to by the principal member or managing member of said company and attested to by a valid notary public.
- (d) The applicant shall submit a Certificate of Liability Insurance for dram shop/liquor liability insurance naming the City of Aurora as a Certificate Holder at the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1 et seq. as amended from time to time.
- (e) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates for anyone serving alcohol and all managers and assistant managers.
- (f) The applicant shall complete and file a certificate of registration application for food & beverage tax (when applicable) with the city and produce the appropriate bonds pursuant to section 44-124.
- (g) If the applicant is seeking a liquor license for a fraternal society or club the applicant shall file with the local liquor control commissioner a list of names, addresses, and dates of birth of its officers, and similarly shall file the name of any new officer within ten (10) days of his election.
- (h) All applications shall be accompanied by an application fee that shall be nonrefundable and inapplicable to the annual license fee.
- (i) The local liquor control commissioner shall require that any new applicant, including Corporate and LLC members/managers, officers, ~~managers~~, directors, stockholders over 5%, and anyone owning over 5% interest in the business a Partnership, and the manager(s) or agent(s) primarily responsible for conducting business at the licensed location, shall submit to a background check, and authorize the local liquor control commissioner or his deputy to receive said background check. shall provide the local liquor control commissioner with any documents necessary for said background check.
- (j) Liquor license applicants and holders have the sole and affirmative obligation to hire location managers that are not precluded, pursuant to Sec. 6-6(a)(1-5) of the code of ordinances and the Illinois Liquor Control Act, from serving as a manager in a liquor licensed establishment.
- (k) For each location manager employed by the applicant, the applicant shall submit a form provided by the city attesting that the manager does not have a criminal history precluding them from serving as a manager in a liquor licensed establishment pursuant to Sec. 6-6(a)(1-5) of the code of ordinances and the Illinois Liquor Control Act. The form shall include an attestation by an authorized business representative that the business conducted their due diligence in determining that the manager does not have a criminal history that would preclude that person from serving as a manager at their business. The business representative shall attest to their understanding that if their approved location manager is subsequently found to be ineligible to serve as a manager at a

liquor licensed establishment, their liquor license may be subject to penalties including fines, suspension, and/or revocation.

- (l) Prior to the issuance of any liquor license, the applicant must provide the local liquor control commissioner with a certificate of occupancy for the licensed premises.
- (m) Upon approval of the application and issuance of any new liquor license, the licensee will be placed on a one-year probation period. During said probationary period, if the licensee violates any section of the liquor ordinance, as specified in a probationary agreement that includes a management plan, put forth to the licensee prior to the issuance of a license, a liquor hearing will be called and the license may be revoked immediately, with no progressive discipline required.
- (n) In the event that the local liquor control commissioner refuses to grant a license, the local liquor control commissioner shall place on file in the city clerk's office the rejected application and a document setting forth reasons for the commissioner's refusal to grant the license. Copies of the rejected application and the document setting forth the reasons for refusal shall also be served by regular U.S. mail and email (as provided in the application) upon the applicant for the license at the address stated on the license application. The rejected applicant may, within ten (10) days from the receipt of said notice of rejection, request a hearing before the local liquor control commissioner, at which time all interested parties shall be heard per section 6-30.
- (o) The decision of the local liquor control commissioner granting or refusing to grant a city license following hearing shall lie to the state liquor control commission, and shall be on the record, and not de novo.
- (p) No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this chapter nor knowingly cause or suffer another to furnish or withhold such information on his behalf. No person shall knowingly furnish any false or misleading information in the investigation of any application for a license required by this chapter. No person shall willfully withhold any information that is relevant to any such investigation when called upon by any city representative to furnish such information. The furnishing of false or misleading information or withholding any relevant information on any application for any license required by this chapter shall be grounds for denial of any such application, or if discovered after the issuance of any such license, shall be grounds for a fine and/or suspension or revocation of the license.
- (q) All applicants shall provide information with their application detailing any and all camera equipment located on the interior and/or exterior of the applicant's premises as the police department may request, and further, all applicants shall agree by signature on the application that they shall cooperate fully with the Aurora Police Department in providing all video pursuant to any police investigation during the term of any liquor license granted.
- (r) All applicants for licenses requiring tabled seating shall provide an appropriate mix of seating options within the establishment, and shall provide a to-scale floor plan, that includes entrances/exits, as part of the application illustrating the seating arrangements for approval. All applicants for licenses which require a minimum square footage or number of seats shall provide a to-scale floor plan with clearly identified seating as part of the application illustrating all appropriate square footage requirements for approval.

(s) All applicants shall provide information with their application detailing all previous and current liquor licenses, either individually held or as part of a business enterprise associated to the current application or independent from the current application.

(t) All applicants shall provide their valid/renewed city Business Registration number.

(u) All applicants shall provide proof that they have obtained their Maximum Occupancy sign from the city Fire Marshal's Office.

Sec 6-7 Term Of License; Renewals

(a) Each license issued under this chapter shall be for a period of one (1) year. ~~Beginning May 1, 2022, a~~All license classifications shall commence on May 1st and terminate on April 30th of each year. ~~All licenses that formerly commenced on September 1st and terminated on August 31st shall be converted to the new licensing period by the city clerk.~~

(b) Completed applications for renewal of a liquor license must be filed with the local liquor control commissioner or his/her designee not less than fourteen (14) days prior to the date for which the license is to expire. Applications for renewal submitted after the due date shall be assessed a late fee.

(c) At the time of filing application for renewal of a liquor license each applicant must produce the following documentation:

(1) Copy of the current lease or proof of ownership, (i.e. deed) if prior lease expired or new lease was entered into or ownership of the property has changed in the past year.

(2) Copy of the current dram shop insurance (liquor liability insurance) at the required statutory maximum limits set forth in the Liquor Control Act, 235 ILCS 5/1-1 et seq., as amended from time to time, showing the City of Aurora as the certificate holder.

(3) Current certificate of good standing from the Secretary of State.

(4) Copy of the applicable county department of health certificate.

(5) Copy of menu, if applicable, if changed since the last renewal.

(6) Copy of current State of Illinois liquor license.

(7) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates for anyone serving or selling alcohol and all managers and assistant managers.

(8) Current list of names, dates of births and addresses of officers (Social Clubs and Fraternal Organizations only).

(9) Full amount of the annual license fee required for relevant classification.

(10) Current bBackground check of Corporate and LLC members/managers, owners, officers, members, stockholders over 5%, and anyone owning over 5% interest in the business a Partnership, owners, and managers if more than three (3) years has elapsed since last background check.

(11) Audit sheet regarding the distribution of revenue for license holders with video gaming terminal licenses.

(12) Update any security camera information and floor plan information as required under the Business Registration Ordinance in Chapter 25 of this code.

(13) Proof of valid city Business Registration Renewal.

(d) Any license held but not used for the actual operation of the licensed business at any time for a period of six (6) months shall after the expiration of the six (6) months become null and void; provided, that it may be extended by the local liquor control commissioner to two (2) years if the reason for the close of said business is due to a fire or other natural disaster.

(e) If, during the license period, the licensee no longer owns or has a valid lease on the premises for which a liquor license has been issued said license shall become void.

(f) Reserved.

(g) No same day liquor licenses, except for temporary licenses issued pursuant to section 6-10, shall be issued.

Sec 6-20 Location Manager, Officer Or Ownership Change

(a) All liquor licensees shall operate with an approved location manager on premises at all times. In the event that a licensed business wishes to change their location manager, they must submit a change of location manager form to the local liquor control commissioner for review and approval. A location manager change shall be approved provided the following criteria are met:

(1) That the proposed new location manager is a person who is qualified or possesses the same qualifications required of the licensee, pursuant to Sec. 6-6 herein, except that the location manager shall not be required to be a resident of the city.

~~(2) The applicant shall submit to a background check and shall provide the local liquor control commissioner with any documents necessary for said background check.~~

(3) The applicant shall submit an affidavit form provided by the city with the change of location manager form attesting that they do not have a criminal history that would preclude them from serving as a location manager in a liquor licensed establishment pursuant to Sec. 6-6(a)(1-5) of the code of ordinances or the Illinois Liquor Control Act.

(4) That written permission be given by the local liquor control commissioner authorizing such change in location manager.

(5) A change in location manager does not require approval by the City Council.

(b) In the event that a licensed business has a change of corporate officer(s) (president, secretary, or treasurer), partnership structure, or, if less than a total of fifty (50) percent change in ownership of a corporation or of a partnership changes, the licensee shall notify the local liquor control commissioner, in writing to the city clerk, within ten (10) days of such change. Said notification shall consist of proof of the new proposed corporate or partnership and ownership structure, specifically identifying every officer and partner in the organization and their respective

percentage ownership(s). Such change of officer(s), partnership structure, or ownership, if less than a total of fifty (50) percent change, will be allowed provided the following criteria are met:

- (1) That the proposed new corporate officer(s) partner(s) or owner(s) (if less than a total of fifty (50) percent change) is a person who is qualified or possesses the same qualifications required of the licensee, pursuant to Sec. 6-6 herein, except that the new corporate officer(s) or partner(s) shall not be required to be a resident of the city. ~~City of Aurora.~~
 - (2) The new proposed corporate officer(s), partner(s) or owner(s) (if less than a total of fifty (50) percent change) shall submit to a background check and shall provide the local liquor control commissioner with any documents necessary for said background check. Corporate shareholders or partners holding less than five (5) percent shares in the licensed business are not required to submit to a background check.
 - (3) That written permission be given by the local liquor control commissioner authorizing such change in officer or partner.
- (c) All license classifications which allow the consumption of alcoholic liquor on the premises shall, at all times, have on duty an owner or officer ~~designated person~~ in charge of the establishment who has completed successfully an application and background check or a location manager with a signed criminal history affidavit on file with the local liquor control commissioner prior to beginning such duties.
- (d) The sale, transfer, or assignment of fifty (50) percent or more of the ownership of a business, whether said sale, transfer or assignment occurs in a single transaction or multiple transactions, shall terminate the liquor license held by that business. In order to change fifty (50) percent or more ownership of a business, the licensee must submit a new liquor license application with all required supporting documentation and a non-refundable application fee to the city clerk's office for review by the local liquor commissioner. The liquor license application shall be presented to the ~~City of Aurora~~ Public Health, Safety & Transportation Committee, the Committee of the Whole, and the City Council for final approval of the license with a majority ownership change prior to the issuance of a new license by the local liquor commissioner.
- (e) In cases of death or bankruptcy, a local liquor license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, except that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months.