

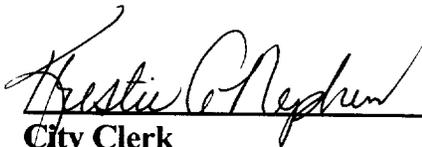
City of St. Charles, Illinois

Ordinance No. 2001-M-23

An Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Section 5.08.140, "License – Revocation or Suspension – Hearing Procedure," of the St. Charles Municipal Code

**Adopted by the
City Council
of the
City of St. Charles
April 16, 2001**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, April 20, 2001**



City Clerk

(S E A L)

4/20/01
Rampheet Form

MINUTE
PAGE 4/16/01

ORDINANCE NO. 2001-M- 23

AN ORDINANCE AMENDING TITLE 5 "BUSINESS LICENSES AND REGULATIONS," CHAPTER 5.08, "ALCOHOLIC BEVERAGES" SECTION 5.08.140 "LICENSE-REVOICATION OR SUSPENSION-HEARING PROCEDURE" OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 5, "Business Licenses and Regulations" Chapter 5.08 "Alcoholic Beverages" Section 5.08.140 (I) "License-Revocation or Suspension-Hearing Procedure" of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefore:

A. The local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act 235 ILCS 5/1-1 et seq., as amended, revoke or suspend any license issued under his or her authority if he or she determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City or any applicable rule or regulation established by the local liquor control commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. However, no such license shall be so revoked or suspended except after a public hearing by the local Liquor Control Commissioner with a three-day written notice to the licensee, affording the licensee an opportunity to appear and defend such notice to begin the day following delivery by certified mail or by the City Police Department acting as agents.

In addition to or in lieu of a suspension, the local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000.00 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000.00 in fines under this Section may be imposed against any licensee during the period of the license issued. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury.

Further, in the event that the Liquor Control Commissioner shall find a licensee guilty of violating any provision of this Chapter, he or she may order the licensee to pay to the City the following 1) reasonable attorney's fees incurred by the City, the Chief of Police and the Liquor Control Commissioner; and 2) reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.

B. If the local Liquor Control Commissioner has reason to believe that any continued operation of a particular license premises will immediately threaten the welfare of the community, he or she may, upon the issuance of a written order stating the reason for such conclusions and without notice or hearing, order the license premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period; except, if the licensee is also engaged in another business on the license premises, such order shall not be applicable to such other business.

C. The local Liquor Control Commissioner shall within five (5) days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within five (5) days upon the licensee.

D. Review of decisions of the local Liquor Control Commission shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Compiled Statutes.

2. That after the adoption and approval hereof this Ordinance shall (i) be printed or published in book or pamphlet form published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

3. That this provision becomes effective at 12:01 a.m. May 1, 2001 in conjunction with the issuance of all liquor licenses May 1, 2001 and thereafter.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 16th day of April, 2001.

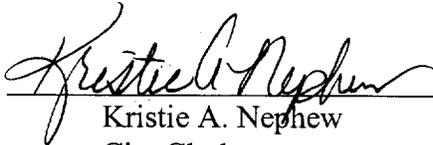
PASSED by the City Council of the City of St. Charles, Illinois, this 16th day of April, 2001.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of April, 2001.



Susan Klinkhamer, Mayor

ATTEST:

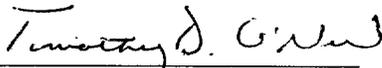


Kristie A. Nephew
City Clerk

COUNCIL VOTE:

Ayes : 10
Nays : 0
Absent: 0

APPROVED AS TO FORM:



City Attorney

DATE: 4/16/01

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State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on April 16, 2001, the Corporate Authorities of such municipality passed and approved Ordinance No. 2001-M-23, entitled

"An Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Section 5.08.140, "License – Revocation or Suspension – Hearing Procedure," of the St. Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2001-M-23, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 20, 2001, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 16th day of April, 2001.


Municipal Clerk

(S E A L)