

City of St. Charles, Illinois

Ordinance No. 2007-M-72

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

**Adopted by the
City Council
of the
City of St. Charles
July 16, 2007**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, July 20, 2007**

Nancy Garrison
City Clerk



(SEAL)

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AN ORDINANCE AMENDING TITLE 5 "BUSINESS LICENSES AND REGULATIONS," CHAPTER 5.08 "ALCOHOLIC BEVERAGES," SECTION 5.08.140 (A), " LICENSE - REVOCATION 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:

SECTION ONE: That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.140 (A), " License - Revocation or Suspension - Hearing Procedure" of the St. Charles Municipal Code, be and is hereby deleted in its entirety and in lieu thereof the following new Section 5.08.140 (A) shall be substituted as follows:

- "A. The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (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. 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 One Thousand (\$1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred (\$1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred (\$2,500) Dollars for a third or subsequent violation with a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand (\$15,000) Dollars in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspended and no licensee shall be fined 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.

Further, in the event that the Local 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 Local 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."

SECTION TWO: 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.

SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

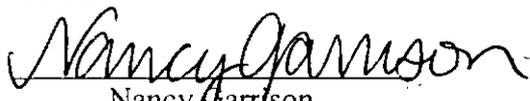
PRESENTED to the City Council of the City of St. Charles, Illinois, this 16 day of July, 2007.

PASSED by the City Council of the City of St. Charles, Illinois this 16th day of July, 2007.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of July, 2007.


Donald P. DeWitte, Mayor

ATTEST:


Nancy Garrison
City Clerk

COUNCIL VOTE:

Ayes : 9
Nays : 0
Absent : 1



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

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on July 16, 2007, the Corporate Authorities of such municipality passed and approved Ordinance No. 2007-M-72, entitled

"An Ordinance Amending Title 5 "Business Licenses, and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.140(A), "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. 2007-M-72, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 20, 2007, 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 July 2007.



(SEAL)

Nancy Garrison
Municipal Clerk