

CITY OF LE ROY  
COUNTY OF McLEAN, STATE OF ILLINOIS

**ORDINANCE NO. 19-08-02-50**

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 3 OF THE MUNICIPAL  
CODE OF LE ROY, ILLINOIS, 2006**

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

**5<sup>th</sup> Day of August, 2019**

PRESENTED: **August 5, 2019**

PASSED: **August 5, 2019**

APPROVED: **August 5, 2019**

RECORDED: **August 5, 2019**

PUBLISHED: **August 5, 2019**

In Pamphlet Form

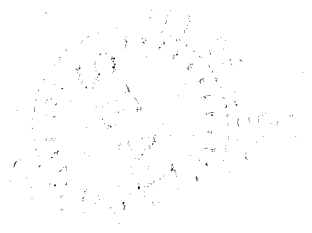
Voting "Aye" 6

Voting "Nay" 0

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The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



*Vicki Moreland*

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Vicki Moreland  
City Clerk of the City of  
Le Roy, McLean County, Illinois

Dated: **August 5, 2019**

**ORDINANCE NO. 19-08-02-50**

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 3 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006**

**WHEREAS**, the Mayor and City Council of the City of Le Roy, McLean County, Illinois, an Illinois municipal corporation, have reviewed the public hearing procedures for the liquor control commissioner; and

**WHEREAS**, the Mayor and City Council of the City of Le Roy acknowledge that the record of hearing ordinance is controlled by 235 ILCS 5/7-9 of the Illinois Compiled Statutes; and

**WHEREAS**, the Mayor and the City Council wish to bring Title 3, Chapter 3, Section 25(A)(4) into conformity with the Illinois Compiled Statutes;

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Le Roy, Illinois in lawful meeting assembled on Monday, August 5, 2019, as follows:

**SECTION 1.** Title 3 Business and License Regulations, Chapter 3 Liquor Control, Section 25, Suspension or Revocation of Licenses; Reprimands; Fines, of the Municipal Code of Le Roy, is hereby amended as follows:

**A.** Public Hearing Procedures: Licenses may be revoked or suspended by the local liquor control commissioner only after a public hearing as provided by the applicable sections of this chapter and of the **Illinois** Liquor Control Act (**235 ILCS 5/1-1 et seq.**) ~~of the State.~~ Hearing procedures are as follows:

1. Rights of Licensee: The licensee shall at all times be afforded due process rights including the right to subpoena witnesses in his own behalf, the right to hear witnesses and evidence given against him, the right to counsel, the right to cross examination, and the right to demand a written specification of charges against him in advance of the hearing.

2. Notices of Hearing: Notice of any hearing shall be given to the license holder and any other interested parties within three (3) days of the date of the hearing, and shall be given to the public by publication in a newspaper published in the city or if no newspaper is published there, then in a newspaper of general circulation in the city within three (3) days of the hearing date. Notice to the public, the license holder and any other interested parties shall include a statement as to the particular section of the code alleged to have been violated, and shall state the location of the hearing as well as the time and date of the hearing. Notice to the license holder and any other interested parties shall also include a brief statement of the facts supporting the charge as well as a brief statement that the licensee has a right to subpoena witnesses in his own behalf, the right to hear witnesses in evidence against him, the right for counsel to be present at the

hearing, the right to cross examine any witnesses at the hearing, and the right to demand a written specification of charges against him in advance of the hearing. Notice to the public shall not be required to contain the information required to be given to the license holder and any other interested parties other than a statement of the section of the code alleged to have been violated and the time, place and location of the hearing.

3. Conduct of Hearing: Witnesses shall be sworn, but in all other respects, the hearings shall be informal and strict rules of evidence shall not apply.

4. Records of Hearing: The local liquor control commissioner shall cause a record of the hearing to be preserved, which record shall include the following: all pleadings, notices, motions, rulings, etc.; all documentary or physical evidence received; offers of proof, objections and rulings thereon; and any decision, opinion or report by the local liquor control commissioner; and an electronic recording of the hearing proceedings. The local liquor control commissioner shall prepare a certified, official record of the proceedings, suitable for filing with the Illinois Liquor Control Commission, and in such manner that all reviews of the proceedings of the local liquor control commissioner shall be "on the record" in order that the scope of review by the state Illinois Liquor Control Commission shall be limited to those instances stated therein. ~~The cost of taking and preparing the certified, official record of the proceedings shall be shared equally between the city and the licensee, with payment of the licensee's share payable to the city at or before the time the order of the local liquor control commissioner becomes effective; provided, however, if the order, action or decision of the local liquor control commissioner is reversed by the state commission or a court of law, any such payment made by the licensee shall be returned to him.~~ **A certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local liquor control commissioner within five (5) days after notice of the filing of such appeal after the licensee pays for the cost of the transcript.**

5. False Information Prohibited: No person shall make a false statement to the local liquor control commissioner, material to the issue or point in question, knowing such statement to be false, under penalty of perjury or false swearing.

**B.** Action by Local Liquor Control Commissioner: After public hearing as provided herein and if the local liquor control commissioner determines that a licensee has violated any provisions of this Chapter or any state law pertaining to the sale of alcoholic liquor, the commissioner may direct a written reprimand to the licensee (a copy of said reprimand shall be made a part of the liquor license application file which is preserved in the office of the city clerk), or the local liquor control commissioner may suspend the liquor license of such licensee for a period of not more than thirty (30) days or may revoke the liquor license of such licensee, or the local liquor control commissioner may, in lieu of suspension or revocation of the liquor license of such licensee, levy a find not in excess of one thousand

dollars (\$1,000.00) for each violation of such license holder, with each day on which a violation continues constituting a separate violation; however, not more than ten thousand dollars (\$10,000.00) in total fines may be imposed against any licensee during the period of his license. In making his determination to reprimand, fine, suspend or revoke or in determining the length of a suspension imposed, the local liquor control commissioner may consider the nature of the violation, past violations of the licensee occurring within the immediately preceding three (3) year period, notwithstanding the fact that a previous reprimand or suspension might have been imposed, past action of the commissioner in comparable situations and the factual situation and circumstances surrounding the violation as presented at the public hearing.

**PASSED** by the City Council of the City of Le Roy, Illinois, upon the motion made by Rick Kline and seconded by Brad Poindexter by roll call vote on the 5<sup>th</sup> day of August, 2019 as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye:

Dawn Hanafin, Rick Kline, Brad Poindexter, Kelly Lay, Ron Legner, Matt Steffen.

Voting Nay:

None

Absent:

Kyle Merkle, Greg Steffen

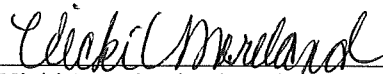
Abstain:

None

Other:

None

And deposited and filed in the office of the City Clerk in said municipality on the 5<sup>th</sup> day of August, 2019.



Vicki Moreland, City Clerk of the  
City of Le Roy  
Mc Lean County, Illinois

**APPROVED BY** the Mayor of the City of Le Roy, Illinois, this 5<sup>th</sup> day of August, 2019



Steven M. Dean, Mayor of the City of Le Roy,  
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, City Clerk of the City of Le Roy  
Mc Lean County, Illinois

**CERTIFICATE**

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on August 5, 2019 the Corporate Authorities of such municipality passed and approved **Ordinance No. 19-08-02-50 entitled:**

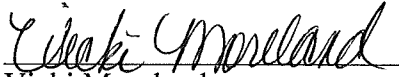
**AN ORDINANCE AMENDING TITLE 3; CHAPTER 3 OF THE MUNICIPAL  
CODE OF LE ROY, ILLINOIS, 2006**

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

The pamphlet form of **Ordinance No. 19-08-02-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **August 5, 2019** 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 Le Roy, Illinois this 5<sup>th</sup> day of August, 2019.

(SEAL)

  
Vicki Moreland  
City Clerk of the City of  
Le Roy, McLean County, Illinois

STATE OF ILLINOIS        )  
  ) SS:  
COUNTY OF MCLEAN        )

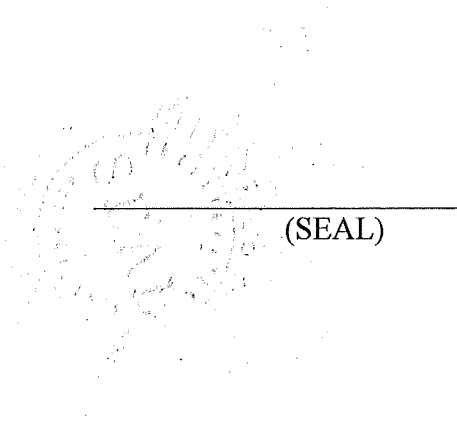
I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 3 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 5<sup>th</sup> day of August, 2019 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 5<sup>th</sup> day of August, 2019



\_\_\_\_\_  
(SEAL)

*Vicki Moreland*  
Vicki Moreland, City Clerk of the  
City of Le Roy,  
McLean County, Illinois