**ORDINANCE NO: \_\_\_\_**

**ORDINANCE AMENDING THE CITY OF LEBANON CODE, CHAPTER 4 – ALCOHOLIC BEVERAGES, DIVISION 2 – RETAIL LICENSES, TO INCLUDE SECTION 4-59 – ON THE RECORD APPEAL FOR ALL LIQUOR LICENSE SUSPENSIONS, REVOCATIONS, NON-RENEWALS, AND FINES**

**WHEREAS**, the City of Lebanon, St. Clair County, Illinois (hereinafter “City”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

**WHEREAS**, City has determined the City Code needs to be amended to provide clarity regarding the procedure for appealing a decision of the Local Liquor Commissioner regarding liquor license suspensions, revocations, non-renewals, and fines; and

**WHEREAS,** the City Council finds that the Mayor should be authorized and directed, on behalf of the City, to execute whatever documents are necessary to amend the City Code to mandate “on the record” appeals in all liquor license suspensions, revocations, non-renewals, and fines.

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

*Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

*Section 2.* City Code, Chapter 4 – Alcoholic Beverages, Article II – Retail Sale, Division 2, Retail Licenses, shall be amended as follows:

Section 4-59 – “On the Record Appeal” for all appeals of decisions of the Local Liquor Commissioner regarding liquor license suspensions, revocations, non-renewals, and fines.

1. Under this Code, specifically Section 4-57, the Local Liquor Commissioner has the authority to suspend or revoke liquor licenses from any licensee who violates City Code, Chapter 4 – Alcoholic Beverages, or 235 ILCS 5 (“Act”);
2. should any licensee appeal the Local Liquor Commissioner’s decision regarding liquor license suspensions, revocations, non-renewals, and fines, any hearing associated with any appeal shall be “on the record” as that term of art is understood and interpreted by the Illinois Liquor Control Board and the Act;
3. any licensee appealing any decision “on the record” regarding liquor license suspensions, revocations, non-renewals, and fines shall be given due process as is understood and interpreted by the Illinois Liquor Control Board and the Act.

*Section 3.* That this Ordinance shall be known as Ordinance No: \_\_\_\_\_\_\_ and shall be effective upon adoption with implementation date of **\_\_\_\_\_\_\_\_\_**

This Ordinance adopted by the City Council of the City of Lebanon, Illinois and deposited and filed in the office of the City Clerk on the \_\_ day of \_\_\_\_\_\_\_, 2023, the vote taken by ayes and nays and entered upon the legislative records as follows:

AYES:

NAYS:

APPROVED:

Cheri Wright

Mayor

City of Lebanon,

St. Clair County, Illinois

ATTEST:

Luanne Holper,

City Clerk

City of Lebanon,

St. Clair County, Illinois