

**CITY OF COLUMBIA, ILLINOIS  
ORDINANCE NO. 3505**

**AN ORDINANCE ADDING SECTION 5.20.310 TO THE CITY OF COLUMBIA'S  
LIQUOR CODE TO ADDRESS APPEALS**

**WHEREAS,** the City of Columbia ("City"), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

**WHEREAS,** the City Council of the City of Columbia previously adopted Chapter 5.20 ("Liquor Code") to be included in the City's Municipal Code; and

**WHEREAS,** the City has determined that it needs to add a section to its liquor code to address appeals; and

**WHEREAS,** the City Council of the City of Columbia now desires to amend its liquor code by adding Section 5.20.310.

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

**Section 1.** That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one ("1") of this Ordinance.

**Section 2. Appeals.** That Chapter 5.20 of the City Code of the City of Columbia titled "Liquor Code" is hereby amended to add a new Section 5.20.310 titled "Appeals", said new Section 5.20.310 to be added at the end of the provisions of Chapter 5.20; immediately following the provisions of current Section 5.20.300; said new Section 5.20.310 and provisions therein related to and governing appeals of a decision of the Local Liquor Commissioner to the City to read in its entirety as follows:

**"Section 5.20.310 – Appeals".**

- A. Pursuant to the provisions of ILCS Ch. 235, Act 5 § 7-9, any appeal authorized thereunder from an order of the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner, and it is hereby resolved that such review shall be solely on the record.
- B. A certified official record of any proceeding that is subject to appeal under the provisions of ILCS Ch. 235, Act 5 § 7-9, before the Local Liquor Control

Commissioner shall be taken and prepared by a certified court reporter or certified shorthand reporter and shall be filed by the Local Liquor Control Commissioner with the State Liquor Commission within 5 days after notice is received by the Local Liquor Control Commissioner of the filing of an appeal from an order of the Local Liquor Control Commissioner.

- C. The Liquor Control Commissioner shall have the power and right to appeal to the Circuit Court or any other court of competent jurisdiction any decision of the State Liquor Control Commission which reverses or modifies any order issued or penalty imposed by the Local Liquor Control Commissioner.

**Section 3. Savings Provision.** If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is determined in a final order by a court of competent jurisdiction to be invalid such final order shall not affect, impair, invalidate, or nullify any other provision of this Ordinance, which other provisions shall remain and continue in full force and effect.

**Section 4. Repeal of Conflicts.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and approval according to law.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 16<sup>th</sup> day of March, 2020, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
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WESLEY J. HOFFKEN, City Clerk  
(SEAL)