



AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Liquor License Late Night Permit

Presenter: Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (10/21/13)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

In continuance of discussion from the September 16, 2013 Liquor Control Commission meeting, we are requesting direction from this commission to move forward in creating an ordinance amendment to Title 5.08 "Alcoholic Beverages" to address Late Night Permits to take before City Council for approval.

Attachments: *(please list)*

Liquor License Late Night Permit Memo

Recommendation / Suggested Action *(briefly explain):*

Requesting guidance from the Liquor Control Commission on adopting the Late Night Permit.

For office use only:

Agenda Item Number: 5

Liquor Code changes:

5.08.130 License-Hours of Sale

Modify B and C to indicate service hours end at midnight seven days a week.

In Section 5.08.90 after the Class E licenses we need to create a new section:

5.080.095 Late Night Permit

- A. The late night permit is issued as a condition of a Class B-Restaurant License and Class C-Tavern; Bar; Saloon Licenses and authorizes the holder of a Class B or Class C license to apply for either a 1:00 am or 2:00 am late night permit. The City Council may modify the number of Late Night Permits upon the application, revocation, surrender, expiration without renewal or abandonment of a Class B, Class C or Late Night Permit.
- B. The City Council may, but is not limited to, consider the following criteria in issuing a late night permit:
 - 1. The surrounding land uses,
 - 2. The business concept,
 - 3. The proximity to other liquor establishments,
 - 4. The applicants prior business experience,
 - 5. The public's health, safety and welfare,
 - 6. Public Safety resources,
 - 7. Market conditions
 - 8. Any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.
- C. Annually, the liquor license renewal process shall commence on the first business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a **late night permit**, they are required to specify whether they are applying for the 1:00 am or the 2:00 am permit. Failure to provide a timely renewal application or **late night permit** application may result in a delay in issuing said license by May 1 of that year.
- D. Upon receipt of a renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership or management and forward all information to the Chief of Police for review and recommendation for approval to the Liquor Control Commission.
- E. Any renewals where a **late night permit** is applied for shall be forwarded with the renewal application to the Chief of Police. The **late night permit** application shall also be forwarded to the City of St. Charles Finance Department, Fire Department and Community Development, Code Enforcement Division, where each will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the

Liquor Control Commission. That information shall be returned to the Liquor Control Commission for review. The Chief of Police shall cause a review of the police related activity which will be included with a recommendation from the Chief of Police on whether the **late night permit** shall be issued and whether a 1:00 am or 2:00 am closing is recommended. The Chief of Police shall forward the review to the Liquor Control Commission.

- F. Any application and recommendation for a new **late night permit** by the Liquor Control Commission shall be forwarded to city council with the renewal application for final decision at a regular scheduled city council meeting.
- G. Any new liquor license application and where a **late night permit** is also requested shall be forwarded to the Chief of Police for a background investigation. The results of the investigation and recommendation from the Chief of Police shall be forwarded to the Liquor Control Commission for review and recommendation, before being presented to City Council for approval.
- H. Any application on the renewal of an existing **late night permit**, to the Liquor Control Commission on whether to renew or reduce the hours from 2:00 am to 1:00 am shall be addressed at a regular meeting of the Liquor Control Commission. The applicant license holder shall have the opportunity to be present for input. The application shall be forwarded to a regular city council meeting, with a recommendation from the Liquor Control Commission.
- I. **Reduction of hours or Revocation of Late Night Permit.** If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a **late night permit** and a notice of violation is issued, the Liquor Control Commission shall hold a hearing on the matter. The liquor licensee with the **late night permit** shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission, taking into consideration the facts leading the hearing, and after consideration the Liquor Control Commission shall make a recommendation to be presented to City Council for action.
- J. **Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit.** In the event that a liquor license holder, that has been issued a **late night permit**, has demonstrated circumstances giving reason to review whether that **late night permit** shall be continued, the Liquor Control Commission shall receive input from the involved city staff. That may come from:
 - 1. Finance Department as it relates to unpaid fees, utilities, taxes or other financial matters;
 - 2. The Fire Department as it relates to repetitive fire code violations affecting health and safety;
 - 3. The Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
 - 4. The Police Department related to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety

of the general public where the licensee is not taking proactive measures to abate the problems.

- K. The license holder shall have the opportunity to respond to said allegations in a public hearing prior to any action being taken.