

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 5a

Title:

Recommendation to approve An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”; Sections 5.08.090 “License Classifications”; 5.08.100 “License Fees; Late Night Fees; Fees Established”. And 5.08.130 “License – Hours of Sale” of the St. Charles Municipal Code. (D-11 Theater License)

Presenter:

Police Chief James Keegan

Meeting: Government Operations Committee

Date: November 18, 2019

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** *(if not budgeted please explain):*

Charlestowne Movie Theater has requested permission to sell alcohol at the theater. City staff has researched ordinances for surrounding communities, to include cities where the theater already has a liquor license, and has created language proposing an additional license classification be added to the St. Charles Municipal Code to accommodate this request.

Pursuant to this item being presented at the Government Operations Committee Meeting on November 4, 2019 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 p.m., the same day, to process and move it forward to this Committee. This item will then continue on to the City Council Meeting scheduled on December 2, 2019 for final approval.

Attachments *(please list):*

Memo, ordinance changes, proposed ordinance

Recommendation/Suggested Action *(briefly explain):*

Recommended Code Revisions to Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Sections 5.08.090, 5.08.100, and 5.08.130 of the St. Charles Municipal Code.



Memo

Date: October 18, 2019
To: Raymond Rogina, Liquor Commissioner
From: James Keegan, Chief of Police
CC: Mark Koenen, City Administrator
Re: Movie Theater License

Introduction

Staff has been approached by the owners and operators of Classic Cinemas who are seeking a liquor code modification to allow for on-site sales and consumption of alcoholic liquors at their St. Charles location, similar to their operations in Downers Grove, Elmhurst, Fox Lake and North Riverside.

In reviewing this request, staff also researched area communities allowing such a practice and aside from the aforementioned Classic Cinemas communities, we discovered Elgin and a host of other AMC Theater communities (including Lake in the Hills, Lombard, Mount Prospect, Oak Brook and Rosemont) also allow for liquor sales/consumption inside their movie theaters.

Staff met with the ownership group and brings the following ordinance revision for additional consideration by the Liquor Control Commission, the Government Operations Committee and finally, City Council.

St. Charles Ordinance Updates

5.08.090 – License - Classifications

D-11 “Theater licenses” shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a Theater as defined herein, subject to the following conditions:

1. A movie theater establishment qualifying for this license shall be kept, used and maintained, advertised and held out to the public as a full time movie theater establishment regularly providing and showing movies to the public.
2. The licensee must first verify that every patron possessing or consuming alcoholic liquor is at least twenty one (21) years of age.

3. The containers in which alcoholic beverages are served must be of a different color, size and design than those in which nonalcoholic beverages are served. In addition, no glassware is allowed.
4. The licensee shall not serve or deliver more than two alcoholic beverages to a customer at a time and no person shall have in his/her possession at any given time more than two alcoholic beverages.
5. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day or before 7:00 a.m. or after the conclusion of the last movie to be shown on any day or 12:00 a.m.
6. The licensee shall not permit any possession or consumption of alcohol by any person younger than twenty one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

5.08.100 – License Fees; Late Night Permit Fees; Fees Established

D-11	\$1200.00	Movie Theater
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5.08.130 – License - Hours of Sale

2. It shall be unlawful for any person holding a Class B- 1, B- 2, B- 3, C- 1, C- 2, C- 3, D- 8, D-9, D-10, **D-11**, E-8 or G-1 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any ALCOHOLIC BEVERAGES 5.08-21 licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 7:00 a. m.

Summary/Recommendation

Staff recommends the aforementioned D-11 license to allow for the retail sales and consumption of alcoholic liquor on the licensed premises of a movie theater with the guidelines and restrictions outlined in the attached ordinance proposal. This ordinance mirrors those of area communities.

St. Charles Ordinance Updates – Movie Theater License

5.08.090 – License - Classifications

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1. A movie theater establishment qualifying for this license shall be kept, used and maintained, advertised and held out to the public as a full time movie theater establishment regularly providing and showing movies to the public.
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3. The containers in which alcoholic beverages are served must be of a different color, size and design than those in which nonalcoholic beverages are served. In addition, no glassware is allowed.
4. The licensee shall not serve or deliver more than two alcoholic beverages to a customer at a time and no person shall have in his/her possession at any given time more than two alcoholic beverages.
5. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day or before 7:00 a.m. or after the conclusion of the last movie to be shown on any day or 12:00 a.m.
6. The licensee shall not permit any possession or consumption of alcohol by any person younger than twenty one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

5.08.100 – License Fees; Late Night Permit Fees; Fees Established

D-11	\$1200.00	Movie Theater
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City of St. Charles, Illinois
Ordinance No. 2019-M- _____

**An Ordinance Amending Title 5 “Business Licenses and Regulations”,
Chapter 5.08 “Alcoholic Beverages”; Sections 5.08.090 “License
Classifications”; 5.08.100 “License Fees; Late Night Fees; Fees Established”.
And 5.08.130 “License – Hours of Sale” 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 5.08.090 “License Classifications” of the St. Charles Municipal Code, be and is hereby amended by adding the following:

D-11 “Theater licenses” shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a Theater as defined herein, subject to the following conditions:

1. A movie theater establishment qualifying for this license shall be kept, used and maintained, advertised and held out to the public as a full time movie theater establishment regularly providing and showing movies to the public.
2. The licensee must first verify that every patron possessing or consuming alcoholic liquor is at least twenty one (21) years of age.
3. The containers in which alcoholic beverages are served must be of a different color, size and design than those in which nonalcoholic beverages are served. In addition, no glassware is allowed.
4. The licensee shall not serve or deliver more than two alcoholic beverages to a customer at a time and no person shall have in his/her possession at any given time more than two alcoholic beverages.
5. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day or before 7:00 a.m. or after the conclusion of the last movie to be shown on any day or 12:00 a.m.
6. The licensee shall not permit any possession or consumption of alcohol by any person younger than twenty one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

SECTION TWO: That Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.100 “License Fees: Late Night Permit Fees; Fees Established” of the St. Charles Municipal Code, be and is hereby amended by adding the following:

D-11 \$1200.00 Movie Theater

SECTION THREE: That Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.130 “License – Hours of Sale” of the St. Charles Municipal Code, be and is hereby amended as follows:

2. It shall be unlawful for any person holding a Class B- 1, B- 2, B- 3, C- 1, C- 2, C- 3, D- 8, D-9, D-10, D-11, E-8 or G-1 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any ALCOHOLIC BEVERAGES 5.08-21 licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 7:00 a. m.

SECTION FOUR: 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 City Council of the City of St. Charles, 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 FIVE: 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 ____ day of _____, 2019.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2019.

APPROVED by the Mayor of the City of St. Charles, Illinois, this ____ day of _____, 2019.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____