



**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; and 5.08.130 “License – Hours of Sale”, of the St. Charles Municipal Code. (H-1 Caterer Liquor License)

**Presenter:** Police Chief Keegan

**Meeting:** Government Operations Committee      **Date:** January 19, 2021

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

**Executive Summary** *(if not budgeted please explain):*

After discussion regarding caterers and the proper licensing for their business, City staff has reviewed and vetted this language to clarify caterer liquor licensing for the City of St. Charles.

Please see the attached document for the proposed changes to the City of St. Charles City Code.

*Pursuant to this item being presented at the Government Operations Committee Meeting on January 19, 2021 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, 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 February 1, 2021 for final approval.*

**Attachments** *(please list):*

Changes highlighted in ordinance format

**Recommendation/Suggested Action** *(briefly explain):*

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; and 5.08.130 “License – Hours of Sale”, of the St. Charles Municipal Code (H-1 Caterer Liquor License)

## **5.08.090 – License - Classifications**

- **D-9. Class D-9** licenses shall authorize the service or delivery of alcoholic liquors, for the consumption on the premises only, at a ~~Small Special~~ Event Venue. ~~Small Special~~ Event Venues shall consist of a business for which the exclusive activity is to provide space for catered private parties and shall be classified in terms of two distinct categories:
  - Parties -of less than or equal to seventy-five (75) persons, or where the locations capacity is less to seventy-five (75) persons, shall be deemed a “small event venue”.
  - Parties of more than seventy-five (75) persons, or where the locations capacity exceeds seventy-five (75) persons, shall be deemed a “large event venue”.
- Special Event Venues; ~~provide for the where there is~~ service and for consumption at tables of hors d'oeuvres, a buffet, or full multiple course meal, and at which alcoholic liquor may be served incidental to such food service. Each venue event at which alcoholic liquor may be served shall be prearranged under the sponsorship of a particular person or organization. Venue events shall not be open to the general public, but attendance shall be by appointment or special invitation of the sponsors. No admission charge shall be levied to guests at such event venues, except for an event sponsored by a non-for-profit corporation or association registered with the State of Illinois. A Class D-9 license does not permit the direct retail sale of alcoholic liquor from the D-9 licensee to the event sponsor or any event attendees.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class D-9 license shall engage the services of a ~~vendor who~~caterer holds a then current and otherwise valid Class ~~H B or Class C~~ license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

As an alternative to engaging the services of a vendor who holds a then current and otherwise valid Class ~~H B or Class C~~ license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the premises, the holder of a Class D-9 License may instead allow for the consumption of alcoholic liquors, on the premises, that have been brought onto the premises by a person or persons who have contracted for an event to be held on the premises where the service of food predominates, subject to the following:

1. The licensee shall take control of such alcoholic liquors promptly upon delivery thereof to the premises, and shall provide BASSET trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.
2. Any and all alcoholic liquors shall be opened, dispensed, delivered and/or served on the premises only by such servers, and only to attendees of the event.
3. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided to the licensee by the patron or patrons supplying the alcoholic liquors, and the City of St. Charles and the Local Liquor Control Commission of the City shall be named as an additional insured on the policy.

4. Any alcoholic liquor remaining unserved after the conclusion of the event may be returned to the person or persons who supplied them, to be transported off the premises only in accordance with law.
5. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag.
6. Any license(s) / permit(s) from the State of Illinois.

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

D-9 Small Event Venue \$500.00

[D-9 Large Event Venue \\$1,000.00](#)

## **5.08.090 – License - Classifications**

### 8. Class H - Catering Licenses

Class H licenses shall permit the sale or service of alcoholic liquor of any type by a caterer in conjunction with the sale of prepared food for service at events that are not publicly advertised and that are not open to the general public at locations other than the premises leased, owned, or otherwise occupied or operated by the licensee. For purposes of this chapter, the location of the catered event shall be deemed the licensee's licensed premises. In addition to compliance with other requirements mandated by the State of Illinois and this chapter, a Class H licensee shall comply with the following:

1. A Class H licensee shall be a bona fide caterer and/or restaurant. For purposes of this subsection, a bona fide caterer is one who has been issued an Illinois Department of Revenue Sales Tax number, is certified by the County's Health Department, and is registered with the City (alcohol tax). Caterers hold themselves out to the general public as a person(s) who provides catering services where food is prepared at one location and served at another.
2. Service and consumption of alcoholic liquor shall be permitted only on the event premises where food is catered. In the event that the Class H licensee has entered into a contract with another individual or entity for the service of food at the catered event, the sale or service of alcoholic liquor is permitted, but must take place in conjunction with food offerings.
3. No person other than a Class H licensee holder shall be permitted to sell or serve alcoholic liquor for consumption at the private catered event unless such other person(s) has been issued a Class D liquor license provided in this chapter.

**Class H-1 licenses** allows catering for restaurants located within St. Charles that already possess an existing liquor license to cater food and/or alcoholic beverages at an off-site location but within the City of St. Charles, but not before obtaining the aforementioned license.

**Class H-2 licenses** allows a catering company or restaurant (outside of St. Charles) to cater food and/or alcoholic beverages at a location within the City of St. Charles, but not before obtaining the aforementioned license.

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

H-1 (\$500.00) Catering – City of St. Charles restaurant with liquor license

H-2 (\$750.00) Catering – catering business or restaurant outside of City of St. Charles

## **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, D-12, E-8, G-1, [H-1](#), or [H-2](#) 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.

**City of St. Charles, Illinois**  
**Ordinance No. 2021-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; 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 new language:

8. Class H - Catering Licenses

Class H licenses shall permit the sale or service of alcoholic liquor of any type by a caterer in conjunction with the sale of prepared food for service at events that are not publicly advertised and that are not open to the general public at locations other than the premises leased, owned, or otherwise occupied or operated by the licensee. For purposes of this chapter, the location of the catered event shall be deemed the licensee's licensed premises. In addition to compliance with other requirements mandated by the State of Illinois and this chapter, a Class H licensee shall comply with the following:

1. A Class H licensee shall be a bona fide caterer and/or restaurant. For purposes of this subsection, a bona fide caterer is one who has been issued an Illinois Department of Revenue Sales Tax number, is certified by the County’s Health Department, and is registered with the City (alcohol tax). Caterers hold themselves out to the general public as a person(s) who provides catering services where food is prepared at one location and served at another.
2. Service and consumption of alcoholic liquor shall be permitted only on the event premises where food is catered. In the event that the Class H licensee has entered into a contract with another individual or entity for the service of food at the catered event, the sale or service of alcoholic liquor is permitted, but must take place in conjunction with food offerings.
3. No person other than a Class H licensee holder shall be permitted to sell or serve alcoholic liquor for consumption at the private catered event unless such other person(s) has been issued a Class D liquor license provided in this chapter.

Class H-1 licenses allows catering for restaurants located within St. Charles that already possess an existing liquor license to cater food and/or alcoholic beverages at an off-site location but within the City of St. Charles, but not before obtaining the aforementioned license.

Class H-2 licenses allows a catering company or restaurant (outside of St. Charles) to cater food and/or alcoholic beverages at a location within the City of St. Charles, but not before obtaining the aforementioned license.

SECTION TWO: 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 as follows:

D-9. Class D-9 licenses shall authorize the service or delivery of alcoholic liquors, for the consumption on the premises only, at a Special Event Venue. Special Event Venues shall consist of a business for which the exclusive activity is to provide space for catered private parties and shall be classified in terms of two distinct categories:

1. Parties of less than or equal to seventy-five (75) persons, or where the locations capacity is less than seventy-five (75) persons, shall be deemed a “small event venue”.
2. Parties of more than seventy-five (75) persons, or where the locations capacity exceeds seventy-five (75) persons, shall be deemed a “large event venue”.

Special Event Venues provide for the service and consumption at tables of hors d’oeuvres, a buffet, or full multiple course meal, and at which alcoholic liquor may be served incidental to such food service. Each venue event at which alcoholic liquor may be served shall be prearranged under the sponsorship of a particular person or organization. Venue events shall not be open to the general public, but attendance shall be by appointment or special invitation of the sponsors. No admission charge shall be levied to guests at such event venues, except for an event sponsored by a non-for-profit corporation or association registered with the State of Illinois. A Class D-9 license does not permit the direct retail sale of alcoholic liquor from the D-9 licensee to the event sponsor or any event attendees.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class D-9 license shall engage the services of a caterer holds a then current and otherwise valid Class H license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

As an alternative to engaging the services of a vendor who holds a then current and otherwise valid Class H license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the premises, the holder of a Class D-9 License may instead allow for the consumption of alcoholic liquors, on the premises, that have been brought onto the premises by a person or persons who have contracted for an event to be held on the premises where the service of food predominates, subject to the following:

1. The licensee shall take control of such alcoholic liquors promptly upon delivery thereof to the premises, and shall provide BASSET trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.
2. Any and all alcoholic liquors shall be opened, dispensed, delivered and/or served on the premises only by such servers, and only to attendees of the event.
3. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided to the licensee by the patron or patrons supplying the alcoholic liquors, and the City of

St. Charles and the Local Liquor Control Commission of the City shall be named as an additional insured on the policy.

4. Any alcoholic liquor remaining unserved after the conclusion of the event may be returned to the person or persons who supplied them, to be transported off the premises only in accordance with law.
5. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag.
6. Any license(s) / permit(s) from the State of Illinois.

SECTION THREE: 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 removing the following new language:

D-9	\$1,000.00	Large Event Venue
H-1	\$500.00	Catering – City of St. Charles restaurant with liquor license
H-2	\$750.00	Catering – catering business or restaurant outside the City of St. Charles

SECTION FOUR: 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 by replacing it with the following:

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, D-12, E-8, G-1, H-1, or H-2 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 FIVE: 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 SIX: 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 \_\_\_\_\_, 2021.

PASSED by the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes : \_\_\_\_\_

Nays : \_\_\_\_\_

Absent : \_\_\_\_\_