

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		<b>Agenda Item number: 7</b>
	Title:	Recommendation to approve Late Night Permits for Class B & C Licenses in the City of St. Charles for FY 2023/2024	
	Presenter:	Jim Keegan, Chief of Police	
Meeting: Liquor Control Commission                      Date: March 20, 2023			
Proposed Cost: n/a		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
<b>Executive Summary</b> ( <i>if not budgeted, please explain</i> ):  <p>Per St. Charles City Code, the attached memo and spreadsheet memorialize the annual late-night permit request for all Class B and C liquor license holders for the fiscal year 2023/24. As the City Council is aware, the aforementioned liquor licenses are all licensed until midnight and permitted per our code to request either a 1:00 am or 2:00 am late-night permit on an annual basis.</p> <p><b>There are 29 late-night permit requests this year:</b></p> <ul style="list-style-type: none"> <li>• 21 are B licenses (Last year 22)</li> <li>• 8 are C licenses (Last year 7)</li> <li>• 13 locations are requesting to stay open until 1:00 am (last year 13)</li> <li>• 16 locations are requesting 2:00 am permit requests (last year 16)</li> <li>• No businesses requested changes from 1:00 am to 2:00 am or from a 2:00 am to 1:00 am late-night permit</li> </ul> <p><b>There are no new late-night permit requests.</b></p> <p><b>The following businesses have decided not to renew their late-night permits:</b></p> <ul style="list-style-type: none"> <li>• Shakou</li> </ul>			
<b>Attachments</b> ( <i>please list</i> ): Memo, Late Night Permit Renewal Information 2023/2024			
<b>Recommendation/Suggested Action</b> ( <i>briefly explain</i> ): Recommendation to approve Late Night Permits for Class B & C Licenses of the City of St. Charles for FY 2023/2024			

# Memo

Date: March 7, 2023  
To: Lora Vitek, Mayor-Liquor Commissioner  
From: James Keegan, Chief of Police  
Re: 2023/24 Late-Night Permits

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Pursuant to city code, I have reviewed the attached late-night permit request for FY23-24. We continue to see progress toward making St. Charles a “destination” community in regards to our social environment.

Each permit request was vetted by the respective city department to ensure compliance with fees, payments, permits, etc. As a means to identify our city code as it pertains to late night permitting, I’ve included the attached ordinance language as a frame of reference. Please see below:

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## **City Ordinance/5.08.095 Late Night Permit**

- C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a late-night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late-night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or late-night permit application may result in a delay in issuing said license and permit by May 1 of that year.
- D. Upon receipt of a new or 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, management or business concept. This application shall be forwarded to:
  - 1. Chief of Police

2. Fire Department
  3. Finance Department
  4. Community Development Department
- E. The city departments indicated in Section D 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 and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a recommendation from the Chief of Police on whether the late-night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.
- F. Any application and recommendation for a new or renewal of a late-night permit shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a late-night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late-night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
- G. Any new liquor license application where a new late-night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.
- H. Notice of Violation Process-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 by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor license 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 in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.
- I. Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a late-night permit, and has demonstrated circumstances giving reason to review whether that late-night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
1. Finance Department as it relates to unpaid fees, utilities or city taxes;

2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
  3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
  4. Police Department as it relates 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;
  5. Other departments with applicable information.
- J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
- K. The Liquor Control Commission may recommend the issuance or denial of a requested late-night permit for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.
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Please see the attached spreadsheet for additional information concerning specific permit requests. I recommend in favor of the aforementioned requests as identified in the attached spreadsheet as it pertains to law enforcement activity during calendar year 2022. Although we had numerous violations heard by the Liquor Control Commission during the year, each licensed business is in “good standing” with the City in terms of their current license. The violations noted pertained mostly to tobacco and packaged liquor store infractions with the exception of Riverside Pizza (after-hours) and Tap House Grill (underage sale), Alter Brewing (underage sale), McNally’s (underage sale) and Evergreen Pub (underage sale). The aforementioned businesses were cited accordingly and fines were levied in each instance. In addition, two other businesses were served warning letters during the calendar (Bogart’s/over-service) and (The Alibi/security & operational control) and Throwbacks Sports Bar/security & operations control). No other issues were reported during the calendar year giving rise to LCC action.

A few businesses have been identified as delinquent in terms of unpaid fees, utilities and city taxes. Because these payments are fluid in nature and sometimes payment is received late, I will present the most updated information at both the April Liquor Control Commission and City Council Meeting on Monday, April 17<sup>th</sup> should any issues remain outstanding.

As always, I stand ready to answer any questions or concerns you might have in reference to my recommendations. Thank you in advance for your cooperation in this matter.

## City of St. Charles

### Late Night Permit Renewal 2023/2024

Business	Address	Class B License	Class C License	1:00 AM Permit	2:00 AM Permit	Warning Letters	LCC Violations
222 Hospitality/Whiskey Bend	222 W. Main Street	x		x			
2nd Street Bar & Grill	221 S Second Street		x		x		
Alibi Bar & Grill	12 N 3rd Street	x			x	x	
Alley 64	212 W Main Street	x			x		x fireworks
3rd Street Pub Featuring Billy Bricks Plzza/Dough Pros	11 N. Third Street	x		x			
Bogart's/El Elle Sea	219 W. Main Street		x		x	x	
Brandon Wayne Ent/The Lewis	106 E. Main Street		x	x			
CMB Ent/The Hive	204 W. Main Street	x			x		
Cooper's Hawk	3710 E. Main	x		x			
Crazy Fox	104 E Main Street	x			x		
The Beach Hut/SCMC Enterprises	8 N Third Street		x		x		
Dukes Northwoods	7 E. Main Street		x		x		
Eden on the River	1 W. Illinois Street	x		x			
Filling Station/Health Nuts	300 W Main Street	x			x		
Flagship on the Fox	100 S. Riverside Ave.	x			x		
Global Brew Tap House/VVAAMA	2100 Prairie Street		x	x			
La Mesa	51 S. First Street	x		x			
Los Burritos Asaderos/Yummy Place	2400 E. Main Street	x			x		
McNally's	109 W Main Street	x		x			x
Northwoods Pub/Evergreen Pub	1400 W Main Street	x			x		x
R-House	214 W. Main Street		x	x			
Riverside Pizza	102 E Main Street	x			x		x
Rookies (BK & MM Ventures)	1545 W Main Street	x			x		
St Charles Sports/Spotted Fox	3615 E Main Street	x		x			
Tap House Grill	3341 W Main Street	x		x			x
The Graceful Ordinary	1 E. Main Street	x		x			
The House Pub (Not yet reopened)	16 S. Riverside Ave.		x		x		
The Office/H&C Hospitality	201 E Main Street	x		x			
Throwback Sports Bar/Jay's & N	1890 W. Main Street	x			x	x	
** New Late-Night Permit request							
	<b>Total:</b>	<b>21</b>	<b>8</b>	<b>13</b>	<b>16</b>	<b>3</b>	<b>5</b>