

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 7

Title:

Recommendation to approve and Ordinance Amending 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

Presenter:

Police Chief Keegan

Meeting: Liquor Control Commission

Date: January 22, 2019

Proposed Cost: \$

Budgeted Amount: \$

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

Currently, all our consumption on-site licenses sunset at midnight, with the option of applying for late permits; 1:00 a.m. or 2:00 a.m., respectively, while packaged liquor stores and BYOB licenses sunset at 10:00 p.m. In reviewing area municipalities, only Geneva mirrors St. Charles in this practice while other municipalities bordering St. Charles sell until midnight or in some cases, 1:00 a.m. or 2:00 a.m.

In an effort to streamline the consistent sale of alcohol from an hours perspective and to remain competitive with bordering municipalities, the attached ordinance revision is being presented for both the Liquor Control Commission and Government Operations Committee consideration.

Attachments *(please list):*

Memo, ordinance with proposed changes,

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve and Ordinance Amending 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



Memo

Date: January 7, 2019
To: Raymond Rogina, Liquor Commissioner
From: James Keegan, Chief of Police
CC: Mark Koenen, City Administrator
Re: Closing Hours/Packaged Liquor

Issue

The issue at hand stems from a request from some of our A-licenses to remain open a little bit longer to remain competitive with surrounding communities.

Currently, all A-licenses, our BYOB licenses and one site license (Pride Stores) cease operations at 10:00 p.m. I took the liberty of reviewing the liquor codes of four (4) area municipalities in each direction of us and found that only Geneva mirrors St. Charles in shutting down packages sales at 10:00 p.m. while Campton Hills, South Elgin and West Chicago allow packaged retailers to stay open until at least midnight, if not 1:00 a.m. or 2:00 a.m. respectively.

Recommendation

I am comfortable in allowing all A-licenses to mirror consumption of on-site licenses (B-D licenses) in allowing sales to continue until midnight: Monday-Sunday; subject to City Council approval.

St. Charles

5.08.130 – License - Hours of Sale

7: 00 a.m. to 10:00 p.m.

Campton Hills

4-1-19: PROHIBITED HOURS OF SALE AND OCCUPANCY

A. Prohibited Hours of Sale: It shall be unlawful for any licensee hereunder to sell or offer for sale at retail any alcoholic liquor or furnish or give away or allow to permit the same to be consumed on the licensed premises or any other premises under the control, directly or indirectly, of the licensee, during the following hours:

1. Except on January 1 and except on Thanksgiving Day, between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.
2. Except on January 1, between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. on Saturdays, and between the hours of two o'clock (2:00) A.M. and twelve o'clock (12:00) noon on Sundays; provided, that as to package stores, between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M. on Sundays.
3. On January 1 and on Thanksgiving Day between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. unless January 1 is a Sunday, and then between the hours of two o'clock (2:00) A.M. and twelve o'clock (12:00) noon.

Geneva

4-2-11: - LICENSE CLASSIFICATIONS

4-2-14: - CLOSING HOURS

<u>Monday—Saturday</u>	<u>12:01 a.m. to 9:00 a.m.</u> <u>10:00 p.m. to 12:00 midnight</u>
<u>Sunday</u>	<u>12:01 a.m. to 10:00 a.m.</u> <u>9:00 p.m. to midnight</u>

South Elgin

111.31 CLASS "A" LICENSES.

(A) Class "A" licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises. Curb service or sale is prohibited. The annual license fee for such license shall be \$1,200. There shall be 13 Class "A" licenses. Hours of operation for Class "A" licenses shall be 7:00 a.m. to 1:00 a.m. each day except Friday and Saturday, when hours shall be 7:00 a.m. to 2:00 a.m. Sunday hours will be 9:00 a.m. to 1:00 a.m.

West Chicago

Sec. 3-23. - Closing hours

- (a) No person who has been issued a Class C license (of any type) hereunder as a seller of alcoholic liquor either personally or through his agents or employees, shall sell or permit to be sold, offer for sale, or give away any alcoholic liquor between the hours of

midnight and 6:00 a.m., except that however, no such sales shall be made between 6:00 a.m. and 10:00 a.m. on Sunday.

Amendments to Our Liquor Code

5.08.130 – License - Hours of Sale

1. It shall be unlawful for any person holding a Class A- 1, A- 2, A- 2B, A- 4, A- 5, A-6, F- 1, F- 2 or G-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7: 00 a.m. and after the hour of ~~10:00 p.m.~~ 12:00 a.m. (midnight).

City of St. Charles, Illinois
Ordinance No. 2019-M- _____

**An Ordinance Amending 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 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 5.08.130 “License – Hours of Sale” of the St. Charles Municipal Code, be and is hereby amended as follows:

1. It shall be unlawful for any person holding a Class A- 1, A- 2, A- 2B, A- 4, A- 5, A-6, F- 1, F- 2 or G-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7: 00 a.m. and after the hour of 12:00 a.m. (midnight).

SECTION TWO: 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 THREE: 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 : _____