



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 8

Title: Recommendation to approve an Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090, “License - Classifications” of the St. Charles Municipal Code

Presenter: Chief Keegan, Police Department

Meeting: Liquor Control Commission Date: August 21, 2017

Proposed Cost: \$ 0

Budgeted Amount: N/A

Not Budgeted:

Executive Summary (if not budgeted please explain):

5.08.090 – License – Classifications (Existing Language)

After we recently approved the below mentioned ordinance, it was brought to our attention by a member of the City Council that the ordinance, while allowing gas stations to offer retail alcohol offering, did not take into account free-standing convenience stores. Our current ordinance states:

A-6 Class A-6 licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

I recommend the following ordinance language in lieu of our existing stipulations under:

5.08.090 – License – Classifications (Proposed Language)

A-6 Class A-6 licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in convenience stores or gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

Attachments (please list):

Ordinance with amendments

Recommendation/Suggested Action (briefly explain):

Recommendation to approve an Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.230, “Licensed Premises – Location Restrictions” of the St. Charles Municipal Code



Memo

Date: August 11, 2017
To: Mark Koenen, City Administrator
From: James Keegan, Chief of Police
CC: Raymond Rogina, Mayor/Liquor Commissioner
Re: Ordinance Modifications – 5.08.090 – License - Classifications (Liquor Code)

Introduction

The purpose of this memorandum is to explain in greater detail the proposed liquor code modification for the following:

5.08.090 – License – Classifications (Existing Language)

After we recently approved the below mentioned ordinance, it was brought to our attention by a member of the City Council that the ordinance, while allowing gas stations to offer retail alcohol offering, did not take into account free-standing convenience stores. Our current ordinance states:

A-6 Class A-6 licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

I recommend the following ordinance language in lieu of our existing stipulations under:

5.08.090 – License – Classifications (Proposed Language)

A-6 Class A-6 licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in convenience stores or gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

Summary

Geneva, Batavia, Campton Hills and South Elgin allow sales inside convenience stores regardless of square footage. West Chicago does not.

I recommend in favor of the aforementioned ordinance modification, subject to City Council approval. Thank you in advance for your cooperation in this matter.

City of St. Charles
Ordinance No. 2017-M-_____

**Ordinance Amending Title 5, Entitled “Business Licenses and Regulations”
Chapter 5.08, “Alcoholic Beverages”, 5.08.090, “License - Classifications” 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”, 5.08.090, “License – Classifications” of the St. Charles Municipal Code, be amended as follows:

- A-6 Class A-6 licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in convenience stores or gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

SECTION TWO: That after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form pursuant to the authority of the City Council, 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 _____, 2017.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2017.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2017.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____

APPROVED AS TO FORM:

City Attorney

DATE: _____