



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIA2

Title:

Recommendation to a approve an Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090, “License - Classifications”, Section 5.08.100, “License Fees; Late Night Permit Fees; Fees Established, and Section 5.08.130 “License-Hours of Sale” of the St. Charles Municipal Code (New G-2 Liquor License Classification)

Presenter:

Jim Keegan, Chief of Police

Meeting: City Council

Date: April 2, 2018

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

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

In order to accommodate for the proposed Octane 93 Nano-brewery, a new classification of G-2 has been drafted, which creates the need for several ordinance amendments to be approved to update the current liquor code for the City of St. Charles. Following are the sections that will need to be revised:  
Title 5 – Business Licenses and Regulations, Chapter 5.08 – Alcoholic Beverages

- Section 5.08.090 – License – Classifications
- Section 5.08.100 – License Fees; Late Night Permit Fees; Fees Established
- Section 5.08.130 – License – Hours of Sale

Pursuant to this item being presented at the Government Operations Committee meeting on Monday, March 19, 2018 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled at 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 April 2, 2018 for final approval.

*This item was presented at the March 19, 2018 Government Operations Committee meeting where it received a vote of 7-2 in favor of this amendment.*

**Attachments** (please list):

New License Classification, License Fees, Hours of Sale and Proposed Ordinance

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

Recommendation to a approve an Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090, “License - Classifications”, Section 5.08.100, “License Fees; Late Night Permit Fees; Fees Established, and Section 5.08.130 “License-Hours of Sale” of the St. Charles Municipal Code (New G-2 Liquor License Classification).

**G-2. Class G-2** Licenses shall authorize the retail sale of beer manufactured on premises for consumption on the premises of any nano-brewery market, or for consumption not on the premises in original sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises. Food service shall be permitted in accordance with Class B or C Licenses. Class G-2 licenses shall further authorize the retail sale of crafted beers for consumption on the premises and the retail sale of alcoholic liquors in original packages only and not for consumption on the premises subject to the following provisions:

1. The products sold for consumption off the premises are not opened and consumed on the premises;
2. Permitted food service, goods, and merchandise, other than alcoholic liquor, are also offered for the retail sale on the premises.
3. The retail sale of beer, wine, or alcoholic liquor for consumption off the premises shall be in original packages only.

If the licensed premises consists of multiple shops or restaurants at one street address, alcohol sold for the purpose of consumption on the premises may be carried and consumed throughout the premises and only if such movement can be made wholly within the enclosed structure of the premises, or approved outdoor seating area. This license shall be a site license for the complete premises.

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

1. Fees Established. The fees for the various Classes of local liquor licenses authorized in this chapter shall be as follows:

<b>Class License</b>	<b>Annual License Fee</b>	<b>Comments</b>
A-1	\$1,600.00	Package Liquor Stores Only
A-2	\$1,600.00	Grocery Stores
A-2B	\$1,600.00	Wine/Beer Sales Only
A-4	\$1,600.00	Brewery, Distillery, and Winery Sales
A-5	\$1,800.00	Wine by Glass & Bottle Sales
A-6	\$1,600.00	Gasoline Station with Convenience Store
B-1	\$1,200.00	Basic Restaurant Liquor License
B-2	\$1,800.00	Purchase Wine w/Takeout
B-3	\$1,800.00	On Premise Consumption & Retail Sale of Wine
C-1 & C2	\$1,200.00	Basic Tavern Liquor License
C-3	\$1,800.00	Sale of Bottled Wine
D-1	\$4,000.00	Pheasant Run
D-2	\$2,000.00	Hotels
D-3	\$2,000.00	Banquet Halls/Country Clubs
D-4	\$1,000.00	Moose/Clubs
D-5	\$2,000.00	Arcada
D-6	\$2,000.00	Q-Center
D-7	\$500.00	Steele Beam Theatre
D-8	\$1,200.00	Arts & Entertainment License
D-9	\$500.00	Small Event Venues
E-1	\$50.00 per day	Not for Profit
E-2	\$100.00 per day	Special Events B/C licensees

E-3	\$50.00 per day	Kane County Fair
E-4	\$100.00 per day	City Owned Premises
E-5	\$500.00 annual	Harley Davidson
E-6	\$100.00 per day	Special Late Night Permit Event
E-7	\$100.00 per day	Special Events A-2/A-2B licensees
F-1	\$100.00	BYOB Beer and Wine Only
F-2	\$250.00	BYOB Beer, Wine, and Spirits
G-1	\$1,600	Brewery/Restaurant
<u>G-2</u>	<u>\$3,000</u>	<u>Nano Brewery/Market</u>
V	\$1000 - Initial License \$500 - Each Renewal License \$100 - Per each video gaming terminal	Video Gaming

2. NOTE: Initial license fee is doubled for all first time Class A, B, C, D, G license applicant fees.(Ord. 2017-M-17 § 1; Ord. 2014-M-25§ 2; Ord. 2014-M-5 § 2; Ord. 2014-M-4 § 3; Ord. 2012-M-30 § 7; Ord. 2010- M-52 § 7.)

<b>Late Night Permit</b>	<b>Fee</b>	<b>Renewal</b>
Late Night Permit -1 (1:00 a.m.)	\$800.00	\$800.00
Late Night Permit -2 (2:00 a.m.)	\$2,300.00	\$2,300.00

## 5.08.130 – License - Hours of Sale

1. It shall be unlawful for any person holding a Class A- 1, A- 2, A- 213, 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.
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, 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.
3. It shall be lawful for any person holding a B- 1, B-2, B- 3, C- 1, C-2, C- 3, or G-1 license issued pursuant to this chapter to sell, offer for sale, in or upon any licensed premises, any alcoholic liquor until 2:00 a.m. on January 1 without being issued a Late Night Permit.
4. It shall be unlawful for any person holding a Class D- 1 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; between the hours of 3:00 a. m. and 7:00 a.m.
5. It shall be unlawful for any person holding a Class D- 2, D-4, D- 5, D- 6, or D- 7 license issued pursuant to this liquor chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m.
6. It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m.
7. It shall be unlawful for any person holding a Class E-5 license issued pursuant to this chapter to sell or deliver, in or upon any licensed premises, any alcoholic liquor, except during those hours as specifically set forth in said Class E-5 license.
8. It shall be lawful for any person holding a Class E-6 Temporary License Permit issued pursuant to 5.08-22 this chapter to sell, offer for sale in or upon any licensed premises, any alcoholic liquor until 1:00 a.m. or 2:00 a.m. (on specified date as stated on approved permit by City Council).
9. It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
10. It shall be unlawful for any person holding a Class E-5 license issued pursuant to this chapter to sell or deliver, in or upon any licensed premises, any alcoholic liquor, except during those hours as specifically set forth in said Class E-5 license.
11. It shall be lawful for any person holding a Class E-6 Temporary License Permit issued pursuant to 5.08-22 this chapter to sell, offer for sale in or upon any licensed premises, any alcoholic liquor until 1:00 a.m. or 2:00 a.m. (on specified date as stated on approved permit by City Council).

**City of St. Charles**  
**Ordinance No. 2018-M-\_\_\_\_\_**

**Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090, “License - Classifications”, Section 5.08.100, “License Fees; Late Night Permit Fees; Fees Established, and 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”, 5.08.090, “License – Classifications be amended by adding the following:

**5.08.090 – License - Classifications**

Local liquor licenses for the retail sale of alcoholic liquor shall be divided into the following classes and sub-classes:

8. **G-1. Class G-1 Licenses** shall authorize the retail sale of beer manufactured on premises for consumption on the premises or for consumption not on the premises in original/sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises. Food service, late night permitting, and other alcoholic beverage service, shall be permitted in accordance with other Class B or C Licenses.
- G-2. Class G-2 Licenses shall authorize the retail sale of beer manufactured on premises for consumption on the premises of any nano-brewery market, or for consumption not on the premises in original sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises. Food service shall be permitted in accordance with Class B or C Licenses. Class G-2 licenses shall further authorize the retail sale of crafted beers for consumption on the premises and the retail sale of alcoholic liquors in original packages only and not for consumption on the premises subject to the following provisions:
  1. The products sold for consumption off the premises are not opened and consumed on the premises;
  2. Permitted food service, goods, and merchandise, other than alcoholic liquor, are also offered for the retail sale on the premises.
  3. The retail sale of beer, wine, or alcoholic liquor for consumption off the premises shall be in original packages only.

If the licensed premises consists of multiple shops or restaurants at one street address, alcohol sold for the purpose of consumption on the premises may be carried and consumed throughout the premises and only if such movement can be made wholly within the enclosed structure of

the premises, or approved outdoor seating area. This license shall be a site license for the complete premises.

**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 amended by adding the following:

<b>Class License</b>	<b>Annual License Fee</b>	<b>Comments</b>
A-1	\$1,600.00	Package Liquor Stores Only
A-2	\$1,600.00	Grocery Stores
A-2B	\$1,600.00	Wine/Beer Sales Only
A-4	\$1,600.00	Brewery, Distillery, and Winery Sales
A-5	\$1,800.00	Wine by Glass & Bottle Sales
A-6	\$1,600.00	Gasoline Station with Convenience Store
B-1	\$1,200.00	Basic Restaurant Liquor License
B-2	\$1,800.00	Purchase Wine w/Takeout
B-3	\$1,800.00	On Premise Consumption & Retail Sale of Wine
C-1 & C2	\$1,200.00	Basic Tavern Liquor License
C-3	\$1,800.00	Sale of Bottled Wine
D-1	\$4,000.00	Pheasant Run
D-2	\$2,000.00	Hotels
D-3	\$2,000.00	Banquet Halls/Country Clubs
D-4	\$1,000.00	Moose/Clubs
D-5	\$2,000.00	Arcada
D-6	\$2,000.00	Q-Center
D-7	\$500.00	Steele Beam Theatre
D-8	\$1,200.00	Arts & Entertainment License
<b><u>D-9</u></b>	<b><u>\$500.00</u></b>	<b><u>Small Event Venues</u></b>
E-1	\$50.00 per day	Not for Profit
E-2	\$100.00 per day	Special Events B/C licensees
E-3	\$50.00 per day	Kane County Fair
E-4	\$100.00 per day	City Owned Premises
E-5	\$500.00 annual	Harley Davidson
E-6	\$100.00 per day	Special Late Night Permit Event
E-7	\$100.00 per day	Special Events A-2/A-2B licensees
F-1	\$100.00	BYOB Beer and Wine Only
F-2	\$250.00	BYOB Beer, Wine, and Spirits
G-1	\$1,600	Brewery/Restaurant

G-2

V

\$3,000

\$1000 - Initial License

\$500 - Each Renewal License

\$100 - Per each video gaming terminal

Nano Brewery/Market

Video Gaming

**SECTION THREE:** That Title 5 “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.130, “License – Hours of Sale” be amended by adding the following:

1. It shall be unlawful for any person holding a Class A- 1, A- 2, A- 213, 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.

**SECTION FOUR:** 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 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 \_\_\_\_\_, 2018.

PASSED by the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

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

COUNCIL VOTE:

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

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



DATE: \_\_\_\_\_