



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIA5

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

Presenter: Police Chief James Keegan

Meeting: City Council Meeting

Date: February 4, 2019

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

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

A local liquor license holder has requested modifications to the existing A-2 Liquor License section of the Ordinance.

Amendments to the current A-2 license include:

- Allowing consumption on site utilizing tastings, single service cocktails (beer, wine and spirits); only sold only in a specified area and allowing consumption inside the store.
- Alcohol sold inside the store that is not transacted in the aforementioned areas cannot be consumed on-site.
- Because of the great success of warm weather grilling, the Blue Goose is also seeking outside consumption; sold from cash stands during their outside grilling events. Consumption would be limited to their outside seating area and staff from the Blue Goose would remain present at all times consumption is taking place to avoid alcohol being moved.
- Because of the State’s provisions of not allowing alcohol to be consumed where merchandise is sold, this type of license would be limited to grocery stores only.

*This this item was presented at the Government Operations Committee meeting on January 22, 2019. It was approved with a vote of 4 ayes and 3 nays.*

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

Summary, proposed ordinance with changes

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

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

**City of St. Charles  
Ordinance No. 2019-M-**

**Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 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”, Section 5.08.090 of the St. Charles Municipal Code, be and hereby is amended as follows:

A-2. Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000’), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.

Additional provisions include:

1. Alcohol sold in original packages and intended for off premises consumption shall not be opened or consumed on the premises or in any designated seating/serving area.
2. Wine/beer tasting shall be permitted on such premises in accordance with state law.
3. The sale of liquor intended for consumption on the premises shall be limited to individual servings of spirits, beer, wine or sake.
4. The sale of spirits, beer, wine or sake, for consumption on the premises, shall be served only in a designated seating/serving area, which includes an area where food is prepared and regularly served on the premises. Such food shall include hot or cold sandwiches, appetizers, tapas, sushi, baked goods or other similar foods.

Alcohol consumption and sales will be allowed outside at grilling stands/barbeque areas so long as store personnel are present at all times consumption/sales are taking place and consumption is limited to a designated patio area; approved in advance by the Liquor Commissioner.

5. The consumption of spirits, beer, wine and sake on the premises shall be permitted in the designated seating/serving area as well as the shopping areas throughout the premises or the aforementioned patio; however, the licensee shall mark, with conspicuous signage, the area past which consumption of spirits, beer, wine and sake is no longer permitted.

6. The designated seating/serving area for customers consuming spirits, beer, wine or sake on the premises shall be limited to five percent (5%) of the gross floor area.
7. It is intended that the service of spirits, beer, wine and sake is merely adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
8. Hours for the sale of packaged alcoholic liquor, for consumption off the premises shall be in accordance with this code but in no case shall the sale of spirits, beer, wine or sake take place outside of the normal business hours of the grocery store.
9. The establishment does not engage in the retail sale of goods outside of groceries such as, but not limited to, clothing, shoes, home goods, electronics, and sporting goods.
10. The annual fee for such license shall be in accordance with our current fee schedule.

**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 \_\_\_\_\_, 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.

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Raymond P. Rogina, Mayor

ATTEST:

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

COUNCIL VOTE:

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

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

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

APPROVED AS TO FORM:

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

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