AGENDA
CITY OF ST. CHARLES
GOVERNMENT OPERATIONS COMMITTEE
ALD. MAUREEN LEWIS, CHAIR
MONDAY, SEPTEMBER 21, 2020
IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – 2 EAST MAIN STREET

1. Call to Order

2. Roll Call

3. Administrative

a. Fuel Tax Information August, 2020

b. Video Gaming Statistics August, 2020

4. Omnibus Vote

a. Items with an asterisk (*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.

5. Police Department

a. Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", of the St. Charles Municipal Code.

b. Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.20 "Massage Establishments", of the St. Charles Municipal Code.

c. Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.09 "Video Gaming", of the St. Charles Municipal Code.

d. Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.16 "Tobacco", of the St. Charles Municipal Code.

e. Recommendation to approve a new Class A Liquor License Application for ANB Liquor LLC dba Mr. A's Prairie Liquor & Wine located at 1401 Prairie Street, St. Charles.

6. Additional Items from Mayor, Council, Staff, or Citizens.

7. Executive Session

Personnel –5 ILCS 120/2(c)(1)
Pending Litigation – 5 ILCS 120/2(c)(11)
Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
Property Acquisition – 5 ILCS 120/2(c)(5)
Collective Bargaining – 5 ILCS 120/2(c)(2)
Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

8. Adjournment

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).

	AGENDA ITEM EXECUTIVE SUMMARY	**Agenda Item number: 3a**
	Title:	City of St. Charles Fuel Tax Receipts July 2020 – Information Only
	Presenter:	Chris Minick, Director of Finance

Meeting: Government Operations Committee	Date: September 21, 2020	
Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

Attachments (*please list*)**:**
FY 20/21City of St. Charles Local Fuel Tax Receipts – July, 2020

Recommendation/Suggested Action (*briefly explain*)**:**
None – For Information Only

City of St. Charles
Local Fuel Tax Receipts
Fiscal Year 2020-2021

LIABILITY PERIOD	PAYMENT RECEIVED	TOTAL REVENUE RECEIVED
May-20	June-20	$ 27,659.79
June-20	July-20	$ 36,576.69
July-20	August-20	$ 39,361.18
August-20	September-20	$ -
September-20	October-20	$ -
October-20	November-20	$ -
November-20	December-20	$ -
December-20	January-21	$ -
January-21	February-21	$ -
February-21	March-21	$ -
March-21	April-21	$ -
April-21	May-21	$ -
TOTALS		**$ 103,597.66**

The local fuel tax rate is two cents per gallon ($0.02/gallon) and applies to motor fuel retail purchases within the City of St. Charles.

ST. CHARLES SINCE 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	Agenda Item number: 3b
	Title:	Video Gaming Statistics – Information Only
	Presenter:	Jim Keegan, Chief of Police

Meeting: Government Operations Committee Date: September 21, 2020

Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

Latest statistics on video gaming and what businesses have been approved by the state and city staff of the St. Charles Police Department, pending applications into the state for approval, and January, 2012 – August, 2020 report for St. Charles Video Gaming Revenue as of August, 2020.

Attachments (*please list*)**:**
Table – Current Licensed Video Gaming Establishments/Pending Applicants
Illinois Gaming Board Video Gaming Report – January, 2012 – August, 2020
Illinois Gaming Board Video Gaming Report - August, 2020

Recommendation/Suggested Action (*briefly explain*)**:**
None – For Information Only

City of St. Charles
Video Gaming Statistics
August, 2020

LICENSED ESTABLISHMENTS	CORPORATION NAME	ADDRESS	
Alexanders Café	Alexanders Café, Inc.	1650 W. Main St.	St. Charles
Alibi Bar & Grill	Alibi Bar & Grill, Ltd.	12 N. 3rd St.	St. Charles
Alley 64	Alley 64, Inc.	212 W. Main St.	St. Charles
Arcada Theatre	Onesti Entertainment Corp.	105 E Main St.	St. Charles
Rookies 1, All American Pub	BK & MM Ventures, LLC	1545 W. Main St.	St. Charles
The Crazy Fox Bar & Grille	Crazy Fox, LLC	104 E Main St	St. Charles
Dawn's Beach Hut	Dawn's Café, LTD	8 N Third St.	St. Charles
Main Street Pub	Main Street Pub	204 W Main St	St. Charles
The Filling Station	Health Nuts, Ltd.	300 W Main St.	St. Charles
St. Charles Bowl	LA Manson Corp.	2520 W Main St	St. Charles
Second Street Tavern	Mark VII Hospitality, Ltd.	221 S. 2nd Street	St. Charles
Brown's Chicken	NLHM, Inc.	1910 Lincoln Highway	St. Charles
The Evergreen Pub & Grill	Northwoods Pub and Grill, LLC	1400 W Main St	St. Charles
R House	SCMC Enterprises, Inc.	214 W Main Street	St. Charles
Riverside Pizza & Pub	Riverside Pizza, Inc.	102 E Main St	St. Charles
Spotted Fox Ale House	St. Charles Sports LLC	3615 E. Main St.	St. Charles
Tap House Grill	Tap House Grill St. Charles, LLC	3341 W Main St.	St. Charles
St. Charles Moose Lodge 1368	St Charles Moose Lodge 1368	2250 W Rt. 38	St. Charles

PENDING ESTABLISHMENTS	CORPORATION NAME	ADDRESS	
Charlie Fox's Pizzeria & Eatery	Charlie Fox's Pizzeria & Eatery LLC	3341 W. Main St. #7	
Salerno's on the Fox	Salerno's and Sons, Inc.	320 N. 2nd Street	
Throwbacks Sports Bar	Jay's & N Inc.	1890 W Main Street	St. Charles
Yummy Place	Yummy Place Burrito Los Asaderos, Inc.	2400 E. Main Street	St. Charles

ILLINOIS GAMING BOARD
VIDEO GAMING REPORT

St. Charles

August 2020

9/15/2020
10:26 am

				VGT Wagering Activity			VGT Income			VGT Tax Distribution		
Municipality	Establishment	License Number	VGT Count	Amount Played	Amount Won	Net Wagering Activity	Funds In	Funds Out	Net Terminal Income	NTI Tax	State Share	Municipality Share
St. Charles	Alley 64, INC.	160702383	5	$735,482.26	$689,718.40	$45,763.86	$216,153.00	$170,389.14	$45,763.86	$15,559.68	$13,271.49	$2,288.19
St. Charles	BK & MM VENTURES LLC	160702415	5	$365,363.32	$335,364.65	$29,998.67	$110,165.00	$80,166.33	$29,998.67	$10,199.55	$8,699.61	$1,499.94
St. Charles	CRAZY FOX, LLC	170701805	5	$232,426.43	$210,236.92	$22,189.51	$63,227.00	$41,037.40	$22,189.60	$7,544.50	$6,435.01	$1,109.49
St. Charles	DAWN'S CAFE, LTD.	160702454	2	$9,436.17	$9,507.23	($71.06)	$3,886.00	$3,957.06	($71.06)	($24.17)	($20.61)	($3.56)
St. Charles	HDF Entertainment, LLC	180702511	5	$157,528.11	$148,414.40	$9,113.71	$49,732.00	$40,618.04	$9,113.96	$3,098.77	$2,643.07	$455.70
St. Charles	HEALTH NUTS, LTD.	180702391	5	$105,801.82	$99,583.15	$6,218.67	$38,000.00	$31,781.33	$6,218.67	$2,114.41	$1,803.47	$310.94
St. Charles	L. A. MANSON CORPORATION	160703156	5	$53,686.86	$46,536.86	$7,150.00	$16,882.00	$9,732.00	$7,150.00	$2,431.04	$2,073.54	$357.50
St. Charles	MARK VII HOSPITALITY LIMITED	170702225	5	$463,448.38	$417,408.52	$46,039.86	$131,573.00	$85,532.59	$46,040.41	$15,653.76	$13,351.74	$2,302.02
St. Charles	NLHM Inc.	160702847	4	$147,548.66	$135,294.96	$12,253.70	$38,712.00	$26,458.30	$12,253.70	$4,166.28	$3,553.59	$612.69
St. Charles	Northwoods Pub & Grill Inc.	160702493	5	$469,268.10	$425,605.91	$43,662.19	$146,315.00	$102,652.81	$43,662.19	$14,845.18	$12,662.07	$2,183.11
St. Charles	Riverside Pizza, Inc.	160702553	5	$247,947.00	$232,701.34	$15,245.66	$76,307.00	$61,061.78	$15,245.22	$5,183.40	$4,421.14	$762.26
St. Charles	SAINT CHARLES SPORTS, LLC	160702605	5	$388,874.85	$352,907.73	$35,967.12	$103,976.00	$68,009.67	$35,966.33	$12,228.59	$10,430.27	$1,798.32
St. Charles	SCMC ENTERPRISES, INC.	190702660	4	$9,302.27	$8,311.53	$990.74	$4,777.00	$3,786.26	$990.74	$336.87	$287.33	$49.54
St. Charles	St. Charles Lodge No. 1368, Loyal Order of Moose	160802392	5	$87,402.98	$78,046.98	$9,356.00	$28,900.00	$19,544.00	$9,356.00	$3,181.04	$2,713.24	$467.80
St. Charles	TAP HOUSE GRILL ST. CHARLES, LLC	170702248	5	$242,344.87	$217,195.74	$25,149.13	$74,641.00	$49,491.82	$25,149.18	$8,550.75	$7,293.29	$1,257.46
REPORT TOTAL:		**15 Establishments**	**70**	**$3,715,862.08**	**$3,406,834.32**	**$309,027.76**	**$1,103,246.00**	**$794,218.53**	**$309,027.47**	**$105,069.65**	**$89,618.25**	**$15,451.40**

ILLINOIS GAMING BOARD
VIDEO GAMING REPORT

St. Charles

January 2012 - August 2020

9/15/2020
10:27 am

				VGT Wagering Activity			VGT Income			VGT Tax Distribution		
Municipality	Establishment	License Number	VGT Count	Amount Played	Amount Won	Net Wagering Activity	Funds In	Funds Out	Net Terminal Income	NTI Tax	State Share	Municipality Share
St. Charles	A'Salute' Inc.	160702452	2	$2,091,601.88	$1,923,949.67	$167,652.21	$577,279.00	$409,626.79	$167,652.21	$50,296.35	$41,913.65	$8,382.70
St. Charles	ALIBI BAR & GRILL LTD.	150704430	5	$448,186.83	$410,300.14	$37,886.69	$160,719.00	$122,831.26	$37,887.74	$11,705.71	$9,819.24	$1,886.47
St. Charles	Alley 64, INC.	160702383	5	$22,763,974.69	$21,148,788.51	$1,615,186.18	$7,891,332.00	$6,276,071.57	$1,615,260.43	$497,144.41	$416,381.16	$80,763.25
St. Charles	BK & MM VENTURES LLC	160702415	5	$17,465,917.18	$16,098,042.79	$1,367,874.39	$5,266,818.00	$3,898,862.37	$1,367,955.63	$421,407.98	$353,010.00	$68,397.98
St. Charles	CRAZY FOX, LLC	170701805	5	$2,659,043.74	$2,397,729.53	$261,314.21	$809,609.00	$548,294.70	$261,314.30	$83,298.50	$70,232.73	$13,065.77
St. Charles	DAWN'S CAFE, LTD.	160702454	2	$957,018.50	$878,920.74	$78,097.76	$308,581.00	$230,481.89	$78,099.11	$23,726.46	$19,821.47	$3,904.99
St. Charles	DAWN'S VOODOO ROOM, LTD.	170702226	3	$131,639.05	$114,092.97	$17,546.08	$48,098.00	$30,551.92	$17,546.08	$5,263.94	$4,386.62	$877.32
St. Charles	GOLREN ENTERPRISES, INC.	160703386	5	$2,363,441.27	$2,169,177.13	$194,264.14	$822,559.00	$628,294.86	$194,264.14	$58,279.92	$48,566.66	$9,713.26
St. Charles	HDF Entertainment, LLC	180702511	5	$1,387,227.05	$1,268,357.85	$118,869.20	$496,412.00	$377,542.55	$118,869.45	$38,853.64	$32,910.19	$5,943.45
St. Charles	HEALTH NUTS, LTD.	180702391	5	$1,937,259.94	$1,771,300.69	$165,959.25	$732,953.00	$566,993.75	$165,959.25	$52,622.55	$44,324.48	$8,298.07
St. Charles	KILLOUGH LLC	160702650	4	$323,128.13	$297,527.05	$25,601.08	$127,669.00	$102,067.92	$25,601.08	$7,680.48	$6,400.40	$1,280.08
St. Charles	L. A. MANSON CORPORATION	160703156	5	$5,043,107.42	$4,610,856.21	$432,251.21	$1,540,982.00	$1,108,730.79	$432,251.21	$132,583.97	$110,971.19	$21,612.78
St. Charles	MARK VII HOSPITALITY LIMITED	170702225	5	$14,084,040.53	$13,005,277.22	$1,078,763.31	$4,128,394.00	$3,049,603.64	$1,078,790.36	$338,494.52	$284,554.89	$53,939.63
St. Charles	NLHM Inc.	160702847	4	$3,849,945.66	$3,537,371.83	$312,573.83	$1,028,588.00	$716,014.17	$312,573.83	$97,756.96	$82,128.12	$15,628.84
St. Charles	Northwoods Pub & Grill Inc.	160702493	5	$14,113,569.48	$12,910,206.25	$1,203,363.23	$4,718,417.00	$3,515,053.77	$1,203,363.23	$371,043.89	$310,875.55	$60,168.34
St. Charles	Panman, LLC	160703257	5	$20,167.79	$17,246.68	$2,921.11	$8,129.00	$5,207.89	$2,921.11	$876.43	$730.36	$146.07
St. Charles	Pub 47 St Charles Inc.	180700422	5	$451,127.23	$407,893.79	$43,233.44	$150,077.00	$106,843.56	$43,233.44	$12,970.29	$10,808.58	$2,161.71
St. Charles	Ram Restaurant Group Inc.,	180700820	5	$332,529.45	$302,216.78	$30,312.67	$121,311.00	$90,998.02	$30,312.98	$9,094.21	$7,578.51	$1,515.70
St. Charles	Riverside Pizza, Inc.	160702553	5	$7,534,078.11	$6,911,624.73	$622,453.38	$2,520,350.00	$1,897,667.36	$622,682.64	$193,917.16	$162,782.95	$31,134.21
St. Charles	SAINT CHARLES SPORTS, LLC	160702605	5	$11,102,304.00	$10,217,478.91	$884,825.09	$3,236,560.00	$2,351,733.80	$884,826.20	$275,912.26	$231,670.82	$44,241.44
St. Charles	SCMC ENTERPRISES, INC.	190702660	4	$43,793.34	$41,111.96	$2,681.38	$17,681.00	$14,999.62	$2,681.38	$900.94	$766.88	$134.06
St. Charles	St. Charles Lodge No. 1368, Loyal Order of Moose	160802392	5	$6,342,378.19	$5,759,497.45	$582,880.74	$2,148,409.00	$1,565,528.26	$582,880.74	$178,466.25	$149,321.96	$29,144.29
St. Charles	TAP HOUSE GRILL ST. CHARLES, LLC	170702248	5	$5,124,968.45	$4,738,227.73	$386,740.72	$1,588,531.00	$1,201,787.97	$386,743.03	$122,344.96	$103,007.62	$19,337.34
REPORT TOTAL:		**23 Establishments**	**104**	**$120,570,447.91**	**$110,937,196.61**	**$9,633,251.30**	**$38,449,458.00**	**$28,815,788.43**	**$9,633,669.57**	**$2,984,641.78**	**$2,502,964.03**	**$481,677.75**

***Due to the COVID-19 crisis, video gaming operations were suspended effective March 16, 2020.*

CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: 5a**
	Title:	Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", of the St. Charles Municipal Code
	Presenter:	Police Chief Keegan

Meeting: Government Operations Committee	**Date**: September 21, 2020	
Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

City staff asked legal counsel to review all of our associated codes pertaining to alcohol, massage, tobacco and video gaming. This review was an "audit" of sorts with the assistance of Tom Bastian from Storino, Ramello and Durkin. Mr. Bastian has extensive experience in these areas of law and worked with staff to ensure each of the respective codes were in compliance with both state and local mandates.

Please see the attached document for the proposed changes to the City of St. Charles City Code.

Pursuant to this item being presented at the Government Operations Committee Meeting on September 21, 2020 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, 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 October 5, 2020 for final approval.

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

Changes highlighted in ordinance format

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to modify City Code with the listed revisions to Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", of the St. Charles Municipal Code.

4. The Local Liquor Control Commissioner, with the advice and consent of the City Council, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If said deposit does not cover actual amount due, licensee is responsible for any balance due.

5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, permit minors to be present in a licensed premises where food is also served.

~~5.~~6. Obtain any licenses and / or permits required by the State of Illinois.

- **F-1 Carry-In License** shall authorize the carry-in of beer or wine (spirits are not permitted) to a commercial business or place of public accommodation that does not sell alcoholic beverages in which food preparation and service of food is the principal business conducted for consumption on the premises subject to the following limitations:

1. The beer or wine is carried and unopened;
2. No more than one bottle of wine not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron;
3. At the licensee's discretion, the licensee may require the beer or wine to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
4. The beer or wine may only be consumed by persons who are served a meal;
5. The beer or wine may be served only during the hours that food is being served;
6. Proof of dram shop insurance;
7. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
8. Carry-in licensees are prohibited from storing alcohol on the premises, unless the licensee also has an appropriate license allowing the retail sale of alcoholic liquors on the premises;
9. Patrons may remove one, unsealed and partially consumed bottled of wine for off- premise consumption and any sealed bottles/cans of beer provided that the patron has purchased a meal and consumed a portion of the bottle of wine/beers with the meal on the restaurant premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall be securely sealed by the licensee or

Recommended Changes to City Liquor Code

September 2020

5.08.010 – Definitions

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934, approved January 31, 1934, as amended (235 ILCS 5/1-1 et seq.) ("Liquor Control Act"), shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

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1. "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
2. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to any liquid or solid containing one- half of one percent, or less, of alcohol by volume.
3. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
4. "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors, which conforms to the definition of a club in the Liquor Control Act, as amended.
5. "Growlers and Crowlers" means a glass, ceramic, or steel container used to sell, seal, and transport alcoholic liquor that is brewed, distilled, fermented, or mixed on site.

~~5.~~6. "Halfway House" means premises located on a golf course in proximity of the ninth hole of an eighteen-hole golf course, where alcoholic liquor sales are incidental to the sale of food and snacks. All alcoholic liquors shall be served in other than glass containers.

~~6.~~7. "Holding Bar" means an area within a restaurant where patrons awaiting food service may consume alcoholic liquors served by a bartender. The holding bar area shall be separated from the dining area by means of a partition wall. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.

~~7.~~8. "Hotel" or "Motel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and such guests and having one or more public dining rooms, where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings, in connection therewith and such building or buildings, structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

~~8.~~9. "Intoxication" or "intoxicated" means that as a result of drinking alcoholic liquor there is an impairment of a person's mental or physical faculties so as to diminish the ability to think and act with ordinary care.

~~9.~~10. "Live Entertainment" means the playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in the zoning code of St. Charles, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital of poetry.

~~10.~~11. "Private function" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general

public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

~~11.~~12. "Resort Hotel" or "Resort Motel" means a hotel or motel, as described in Paragraph G above, which provides golfing and swimming.

~~12.~~13. "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant shall be the service of meals. No restaurant licensed as such shall sell alcoholic liquor unless its full kitchen, kitchen staff and serving staff are in operation providing the restaurant's full menu to its guests. Alcoholic liquor may be served from a service bar or in a holding bar. (Ord. 2012-M-30 § 1.)

~~13.~~14. "Restaurant and Tavern" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant and tavern shall be the service of meals. Provided, all tables at which food is served shall only be served alcoholic liquor by waitpersons from a service bar. Alcoholic liquor may be served from a holding bar, provided, a full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until eleven o'clock (11) p.m. Sunday through Thursday, and eleven o'clock (11) p.m. Friday and Saturday. After such times, in the event a full menu is not provided, a reduced menu, which includes only appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available, however provided in no event shall the kitchen cease operating sooner than one hour before closing.

~~14.~~15. "Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~15.~~16. "Sell at retail" and "Sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

~~16.~~17. "Service bar" means a permanent or portable bar from which waitpersons pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. A service bar shall not have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons shall not be served from a service bar.

~~17.~~18. "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~18.~~19. "Tavern," "Bar" or "Saloon" means any place that engages in the retail sale of alcoholic liquor for consumption on the premises. No tavern, bar or saloon shall sell alcoholic liquor unless food/menu items are offered to its guests. In the event a full menu is not provided a reduced menu, which includes appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available. (Ord. 2015-M-14 § 1; Ord. 2012-M-30 § 2.)

~~19.~~20. "To sell" includes to keep or expose for sale and to keep with intent to sell.

~~20.~~21. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits."

~~21.~~22. "Specialty Drink" means any unique or original drink that originates from the licensed establishment and is exclusive to that business.

5.08.020 – Local Liquor Control Commissioner – Designated

A. Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and he/she ~~a member shall~~ be the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

B. Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council and two (2) members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission, if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.

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5.08.060 – License – Dram Shop Insurance Required Prior to Issuance

No local liquor license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. ~~The insurance policy shall have a May 1st renewal date.~~ The City shall be given at least ten days' written notice from such insurance carrier prior to cancellation, termination or amendment of any such dram shop insurance. In addition, a copy of said insurance policy must be made available at all times for inspection and filed with the City Clerk.

Every licensee shall be required to provide the Local Liquor Commissioner with a copy of each renewal/new policy of dram shop insurance when applying for either a new or renewal license.

Any licensee failing to provide a copy of the renewal/new policy of dram shop insurance shall pay a late filing fee in the amount of $50.00. Further, said licensee shall be subject to a fine of not less than two hundred fifty dollars ($250.00) for their first offense of operating without Dram Shop insurance nor more than seven hundred fifty dollars ($750.00) for each subsequent offense. Further, said licensee may be subject to a fine~~,~~ and / or license suspension or license revocation as provided by this Chapter 5.08.

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5.08.070 – License – Application Requirements

A. Applications for a local liquor dealer's license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if not an individual, verified by oath or affidavit, and shall contain the following statements and information:

1. In the case of an individual, the full name, age and address of the applicant; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the

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objects for which it is organized, the names and addresses of the officers and directors, and if five percent or more in interest in the stock of such corporation is owned by a person or his nominee or nominees, the name and address of each such person or persons;

2. The citizenship of the applicant, his date and place of birth and, if a naturalized citizen, the time and place of his naturalization;
3. The character of business of the applicant;
4. The length of time said applicant has been in business of that character;
5. The amount of goods, wares and merchandise on hand at the time application is made;
6. The location and description of the premises or place of business which is to be operated under such license;
    a. If a leased premises, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
    b. The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
7. A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;
8. A statement that applicant has never been convicted of a felony, or a misdemeanor opposed to decency or morality, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or the ordinances of the City;
9. Whether a previous license by any state or subdivision thereof or by the federal government has been issued; if so, where and when; or if any such license has been revoked, the reason therefor;
10. The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation;
11. A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance of the City in the conduct of his place of business;
12. Any applicant for a newly created city liquor license ~~or any applicant for a renewal of a city liquor license~~ is to be fingerprinted whether said applicant is an individual or a partnership. Should the applicant be a corporation, the Local Liquor Control Commissioner may, within his discretion, require the following to be fingerprinted: the officers, manager or director thereof, or any stockholder or stockholders owning the aggregate of more than five percent of the capital stock of said corporation. The City police department shall do all such fingerprinting. There shall be a fingerprint fee of fifty ($50) dollars per application to be paid at time of application and non-refundable.

B. The Local Liquor Control Commissioner shall issue a written acceptance or rejection of such application within sixty days of its receipt by the Local Liquor Control Commissioner or city clerk in his behalf with the advice and consent of the City Council.

C. There shall be an application fee of two hundred ($200) dollars, which shall be non-refundable and if a license is granted applied to the first license fee. BYOB and Special Event license application fees shall be the cost of the license. Any outstanding fines and fees related to said licensure owed to the City by the licensee, its officers, directors or shareholders, shall be satisfied before a license is granted or renewed. All monies paid to the City shall be delivered via a certified bank check, or cash. The City will not accept credit cards or personal checks. At the discretion of the City Clerk, corporate checks may be accepted.

Any license that is issued in advance of the completion of the fingerprint background investigation may be rescinded by the Liquor Commissioner if the results of the investigation do not comply with section 5.08.080 of this Code.

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:

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1. **Class A –** Packaged Alcoholic Liquor Licenses Class A licenses shall authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises, except as permitted for the Class A-4 license. Class A licenses are divided into the following sub-classes:

- **A-1.** Class A-1 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 the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand square feet.
- **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.

- **A-2B. Class A-2B** licenses shall authorize the retail sale of beer and wine only 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 beer and wine, 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 beer and wine is ten percent (10%) or less, of the gross square footage.

- **A-3**. Deleted in its entirety.

- **A-4. Class A-4** licenses shall authorize the retail sale of beer, wine, or spirits for consumption on or off the premises, where brewed, distilled, or fermented on the premises, provided the retail sale of beer or wine for consumption off the premises shall be in original packages only.

- **A-5. Class A-5** licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet/ craft beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor and beer shall be incidental to wine sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, gourmet/craft beer and alcoholic liquor by the glass, flight, or bottle only, for consumption on the premises.

- **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.

2. **Class B – Restaurant Licenses** - Class B licenses shall authorize the retail sale of alcoholic liquors, beer, or wine, for consumption on the premises of a restaurant or tavern, whose primary purpose is that of a restaurant or restaurant and tavern as defined in this chapter. Live entertainment may be permitted as otherwise provided in this chapter. A restaurant licensed to sell alcohol under this Section may permit a patron to remove one, unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is sealed in accordance with the provisions of this section and not tampered with shall not be in violation of section 5.08.290 while being transported in a motor vehicle.

- **B-1 Class B-1** licenses shall authorize the retail sale of alcoholic beverages for consumption on the premises of a restaurant and tavern.
- **B-2. Class B-2** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-2 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises, in conjunction and solely with a carry out order of one or more meals. The following additional application requirements apply to all Class B licenses:
    1. Every application for a Class B license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following:

1. the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof;
2. the designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, rest rooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided.
3. the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.

2. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting same on the approved site drawing or as provided on the of the licensee.
3. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4. It shall be unlawful for any Class B licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

- **B-3 Class B-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-3 shall also authorize the retail sale of wine or specialty drinks originating from the licensed premises in original packages only and not for consumption on the premises that are sold within the segregated retail/cashier area of the premises. The retail wine/specialty drink area shall not exceed fifty percent (50%) of the total square footage of the premises. Further, wine and tasting bars shall be permitted in the retail wine area of said premises, and wine tasting may be conducted in accordance with St. Charles Municipal Code 5.08.260

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3. **Class C – Tavern; Bar; Saloon Licenses** - Live entertainment may be permitted as otherwise provided in this chapter for Class C licenses. A tavern, bar, or saloon licensed to sell wine under this Code may permit a patron to remove one, unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall be in violation of section 5.08.290 while being transported in a motor vehicle. Class C licenses are divided into the following sub-classes:

- **C-1. Class C-1 l**icenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-1 licenses may authorize the sale of alcoholic liquor in outdoor sales areas provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner.

- **C-2. Class C-2** licenses shall authorize the retail sale of beer and wine only for consumption on the premises of a tavern, bar, or saloon.

- **C-3. Class C-3 3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-3 licenses may authorize the sale of alcoholic

liquor in outdoor sales areas provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner. Class C-3 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises. The following additional application requirements apply to all Class C licenses:

1. Every application for a Class C license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale, showing the following:

    1. the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof,
    2. the designated use if each room or segregated area (e.g. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided (Class C-2 only with Local Liquor Control Commissioner approval), etc.).
    3. the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
2. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting same on the approved site drawing or as provided on the face of the license.
3. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4. It shall be unlawful for any Class C licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

4. **Class D – Specific Alcoholic Liquor Sales and Site Specific Licenses** -Class D licenses are divided into the following sub-classes:

- **D-1. Class D-1** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any resort hotel or motel only and shall be issued only to the operator of said resort hotel or motel. The licensee shall be permitted sales of alcoholic liquors as permitted by Class B and C licenses. Additionally, each of the residence rooms of the resort hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors. Class D-1 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house and from two (2) motorized food and beverage cars operating on the eighteen (18) hole golf course for consumption on said golf course only, subject to the following restrictions: all alcoholic liquors shall be served in other than glass containers; all cars shall only operate on designated golf cart paths.

- **D-2. Class D-2** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any hotel or motel only and shall be issued only to the operator of said hotel or motel. Additionally, each of the residence rooms of the hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors.

- **D-3. Class D-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a golf club or any banquet hall at a golf club in conjunction with the service of sit down meals. One (1) or more portable or permanent bars are permitted, when the person who operates the banquet hall makes such retail sale of alcoholic liquor. Class D-3 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house and from two (2) motorized food and beverage cars operating on eighteen (18) hole and nine (9) hole golf courses for consumption on said golf course only, subject to the following restrictions: all alcoholic liquors shall be served in other than glass containers; all cars shall only operate on designated golf paths.

- **D-4. Class D-4-1** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of any club, provided, that such club shall have been in existence for at least six (6) months prior to the filing of an application for a license under this chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. (Ord. 2015-M-14 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- **D-5. Class D-5** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of the theater premises located at 105 East Main St. The sale of alcoholic liquors shall be from one (1) permanent location in the vestibule, one (1) service bar in the balcony, and up to two (2) other service bars as dictated by the event.

- **D-6. Class D-6** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only in conjunction with the operation of the Q Center, located on the premises at 1405 North Fifth Ave. Alcoholic liquor sales are limited to individuals and their guests who are participating in events under the direct control of the licensee. The license shall not be removed from the location at 1405 North Fifth Ave. without the approval of the City Council and consent of the Local Liquor Control Commissioner.

- **D-7. Class D7** licenses shall authorize the retail sale of wine and beer for consumption on the premises only for non-for-profit organization of such theatre located at 111 West Main Street. The sale of beer and wine shall be from one (1) permanent location in the vestibule and service will only be allowed when theatre events are being held on this premise.

- **D-8. Class D-8** licenses authorize the retail sale and consumption of beer and wine at an arts and entertainment studio, while the patron(s) are participating in an arts, crafts or other class that are offered by the licensee. The consumption of beer and wine is restricted to the licensed premises and shall be limited to members of a group assembled on the premises for the purpose of attending an art, crafts, or other classes offered by an art studio, arts and crafts school, or similar leisure/entertainment business while the licensee is conducting classes.

  Partially consumed bottles of wine can be removed from the premises but only securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one- time use, tamperproof bag and not for public distribution or consumption.

- **D-9. Class D-9** licenses shall authorize the service or delivery of alcoholic liquors, for the consumption on the premises only, at a Small Event Venue. Small Event Venues shall consist of a business for which the exclusive activity is to provide space for catered private parties of less than seventy-five (75) persons, where there is service for consumption at tables of hors d'oeuvres, a buffet, or full multiple course meal, and at which alcoholic liquor may be served incident to such food service. Each venue event at which alcoholic liquor may be served shall be prearranged under the sponsorship of a particular person or organization. Venue events

shall not be open to the general public, but attendance shall be by appointment or special invitation of the sponsors. No admission charge shall be levied to guests at such event venues, except for an event sponsored by a non-for-profit corporation or association registered with the State of Illinois. A Class D-9 license does not permit the direct retail sale of alcoholic liquor from the D-9 licensee to the event sponsor or any event attendees.
For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class D-9 license shall engage the services of a vendor who holds a then current and otherwise valid Class B or Class C license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.
As an alternative to engaging the services of a vendor who holds a then current and otherwise valid Class B or Class C license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the premises, the holder of a Class D-9 License may instead allow for the consumption of alcoholic liquors, on the premises, that have been brought onto the premises by a person or persons who have contracted for an event to be held on the premises where the service of food predominates, subject to the following:

1. The licensee shall take control of such alcoholic liquors promptly upon delivery thereof to the premises, and shall provide BASSET trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.
2. Any and all alcoholic liquors shall be opened, dispensed, delivered and/or served on the premises only by such servers, and only to attendees of the event.
3. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided to the licensee by the patron or patrons supplying the alcoholic liquors, and the City of St. Charles and the Local Liquor Control Commission of the City shall be named as an additional insured on the policy.
4. Any alcoholic liquor remaining unserved after the conclusion of the event may be returned to the person or persons who supplied them, to be transported off the premises only in accordance with law.
5. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag.
~~5.~~6. Any license(s) / permit(s) from the State of Illinois.

- D-10. Class D-10 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of an entertainment venue or theater, for consumption on the premises as determined in an approved site plan from a service bar or snack shop. Such licenses shall only be issued to establishments where the service of alcoholic beverages is ancillary and incidental to entertainment services.

- **D-11. Class D-11** Theater licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a Theater as defined herein, subject to the following conditions:

1. A movie theater establishment qualifying for this license shall be kept, used and maintained, advertised and held out to the public as a full-time movie theater establishment regularly providing and showing movies to the public.

2. The licensee must first verify that every patron possessing or consuming alcoholic liquor is at least twenty-one (21) years of age.

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3. The containers in which alcoholic beverages are served must be of a different color, size and design than those in which nonalcoholic beverages are served. In addition, no glassware is allowed.

4. The licensee shall not serve or deliver more than two alcoholic beverages to a customer at a time and no person shall have in his/her possession at any given time more than two alcoholic beverages.

5. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day or before 7:00 a.m. or after the conclusion of the last movie to be shown on any day or 12:00 a.m.

6. The licensee shall not permit any possession or consumption of alcohol by any person younger than twenty-one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

- D-12. Class D-12 licenses shall authorize the retail sale and consumption of alcoholic liquor, for consumption on the specified premises, as an adjunct to a salon, spa, hairdresser, beautician, manicure, pedicure, and / or barbershop services while the patrons are receiving contemporaneous spa / salon services from the license holder. Special events, such as art and craft shows and charity type events, are permitted on the premises so long as they are within the permitted hours of retail sale of alcoholic liquor. Massage only facilities are prohibited from offering alcoholic liquor to their patrons. The retail sale of alcoholic liquor while receiving spa / salon services shall be limited to one drink per hour, per customer or patron of the premises, and no such customer or patron shall be served more than three alcoholic beverages during the permitted hours of the retail sale of alcoholic liquor during any one calendar day.

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5. **Class E – Temporary Licenses** - Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1, E-4 or E-5 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, issue two (2) or more Class E licenses so as to authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function. Class E licenses are divided into the following sub-classes:

- **E-1. Class E-1** licenses shall authorize, at the Local Liquor Control Commissioner with advice and consent of the City Council, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 shall be issued for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner, with advice and consent of City Council, approves otherwise. There shall be no Class E-1 licenses issued beginning at 12:00 a.m. Friday, before Columbus Day and ending 12:00 a.m. Monday, on Columbus Day.
- **E-2. Class E-2** licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor licensees for special events or catered functions where the dispensing of food predominates. There shall be no Class E-2 licenses issued beginning at 12:00 a.m. Friday before Columbus Day and ending 12:00 a.m. Monday, on Columbus Day. Notwithstanding the restrictions on the issuance

of Class E-2 licenses in the preceding sentence, Class E-2 licenses may be issued during said period subject to the following provisions:

1. A Class E-2 license may be issued only in the event the principal street access in front of the licensed premises is blocked due to road closure resulting from a festival taking place during said October period;
2. In addition to all other conditions and restrictions applicable to Class E-2 licenses, the Local Liquor Control Commissioner may impose such additional conditions and/or restrictions as he deems necessary; and
3. The Local Liquor Control Commissioner may, with the advice and consent of the City Council waive or vary any conditions and/or restriction applicable to a Class E-2 license, if deemed appropriate under the circumstances.

- **E-3. The Class E-3** license shall authorize the retail sale of beer and wine for consumption on the premises only and within the pre-designated area of the Kane County Fair Grounds. Class E-3 shall also authorize the retail sale of wine and/or beer in original packages only. The retail area and consumption areas must be pre-approved by the Chief of Police (with a site drawing) at the time of the liquor license application. Further, wine and beer tasting bars shall be permitted in accordance with St. Charles Municipal Code 5. 08. 260.

  - **Class E-3** license shall be issued solely to the Kane County Fair for the conduct of the annual Kane County Fair and not more than twenty (20) days of events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year. Each of the events shall be subject to approval by the Chief of Police so as to avoid conflicts between other events and festivals occurring in the City. The Class E-3 license shall be valid only for the scheduled dates as outlined above and are subject to daily fees in accordance with St. Charles Municipal Code 5. 08. 100.
- **E-4. Class E-4** licenses shall authorize at the Local Liquor Control Commissioner's discretion, and subject to prior approval by the City Council, either the sale or delivery of beer and wine, or alcoholic liquors, for consumption on City owned property, including but not by way of limitation, 1st Street Plaza. There shall be no Class E-4 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.

- **E-5. Class E-5** licenses shall authorize, at the Local Liquor Control Commissioner, with advice and consent of the City Council, either the sale or delivery of beer and wine or alcoholic liquors, for consumption on the premises only. The Class E-5 license shall be issued solely for the conduct of not more than twenty (20) days of events that the Local Liquor Control Commissioner, City Council and Chief of Police deem licensable per calendar year at specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to, Flea Market held at the Kane County Fairgrounds, Riverfest, Scarecrow Festival, and the St. Patrick's Day Parade. Such license shall be issued solely for specific premises that is open to the public and kept, used, maintained, advertised and held out to the public as a place where retail business activities or operations are conducted, other than the sale of alcoholic liquor. Events shall be permitted solely on such dates and during such times as are set forth in any Class E-5 license issued.

- **E-6. Class E-6** Temporary License Permits shall authorize the retail sale of beer and wine or the retail sale of alcoholic liquor for consumption on the premises only until 1:00 a.m. or 2:00 a.m. on a specified date. This license shall be issued to Class B and C license holders only for

special events or catered functions with the dispensing of food. The issuance of the Class E-6 Temporary License Permit shall be at the discretion of the Local Liquor Control Commissioner, with advice and consent of City Council. Application for a Class E-6 Temporary License Permit shall be submitted 45 days in advance of a scheduled date. No more than four (4) permits shall be issued to any licensee per fiscal year. A license permit is per event during a 24-hour period. There shall be no Class E-6 Temporary License permits issued during the second full week of October beginning 12:00 a.m. on Friday and ending 12:00 a.m. on Monday.

- **E-7. Class E-7** Temporary License Permits shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-7 licenses shall be issued to only Class A-2 and A-2B liquor licenses for special events or catered functions where the dispensing of food predominates. The issuance of the Class E-7 Temporary License Permit shall be at the discretion of the local Liquor Control Commissioner, with advice and consent of City Council. No more than four (4) permits shall be issued to any one licensee per fiscal year. Application for a Class E-7 Temporary License Permit shall be submitted at least 45 days prior to a scheduled event. The hours of service for beer and wine under the E-7 Temporary License Permit shall be restricted to the hours of 12:00 p.m. – 9:00 p.m., Monday through Sunday."

- **E-8. Class E-8** licenses shall authorize the service or delivery of alcoholic liquor, for consumption on the premises only and incident to food service at a special event sponsored by, or conducted at the St. Charles History Museum located at 215 E. Main Street, St. Charles, Illinois. The Class E-8 license shall be issued solely for the conduct of not more than twelve (12) events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year at the specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to Scarecrow Festival, the St. Patrick's Day Parade, and the Holiday Homecoming Electric Lights Parade. Any such event at the premises which is in whole or partly held outdoors or on the City sidewalk, street or parking facility must otherwise be in accordance with any and all applicable provisions of the City's Code, including obtaining a special event permit from the City.

  For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class E-8 license shall engage the services of a vendor who holds a then current and otherwise valid liquor license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

  In the event any Class E license (with respect to any Class E-5 license, if required in whole or in part by the Local Liquor Control Commissioner, City Council or Chief of Police) is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

  1. The license shall rope off or fence the licensed premises.

  2. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 or Class E-4 license) consumption to the roped off or fenced area shall be prominently displayed by licensee at all times.

  3. The license shall provide for the pickup of all litter and trash.

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4. The Local Liquor Control Commissioner, with the advice and consent of the City Council, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If said deposit does not cover actual amount due, licensee is responsible for any balance due.

5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, permit minors to be present in a licensed premises where food is also served.

~~5.~~6. Obtain any licenses and / or permits required by the State of Illinois.

- **F-1 Carry-In Licens**e shall authorize the carry-in of beer or wine (spirits are not permitted) to a commercial business or place of public accommodation that does not sell alcoholic beverages in which food preparation and service of food is the principal business conducted for consumption on the premises subject to the following limitations:

1. The beer or wine is carried and unopened;
2. No more than one bottle of wine not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron;
3. At the licensee's discretion, the licensee may require the beer or wine to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
4. The beer or wine may only be consumed by persons who are served a meal;
5. The beer or wine may be served only during the hours that food is being served;
6. Proof of dram shop insurance;
7. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
8. Carry-in licensees are prohibited from storing alcohol on the premises, unless the licensee also has an appropriate license allowing the retail sale of alcoholic liquors on the premises;
9. Patrons may remove one, unsealed and partially consumed bottled of wine for off- premise consumption and any sealed bottles/cans of beer provided that the patron has purchased a meal and consumed a portion of the bottle of wine/beers with the meal on the restaurant premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall be securely sealed by the licensee or

an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag;

10. Carry-in licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;
11. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
12. The hours of operation for a class F-1 license holder are the same as those prescribed for a Class A license holder in Section 5.08.130A of this chapter.

- **F-2 Carry-In/Store on Premise** License shall authorize the carry in of beer, wine or spirits into a commercial business and place of public accommodation in which social interaction takes place (social club) that does not sell alcoholic beverages and the aforementioned items can either be securely stored on the premises in a secured locker or carried away subject to the following limitations:

1. The beer, wine, or spirits are carried and unopened;
2. No more than one bottle of wine/spirits not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron at any one time;
3. At the licensee's discretion, the licensee may require the beer, wine or spirits to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
4. Proof of dram shop insurance;
5. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
6. Patron may remove one, unsealed and partially consumed bottled of wine/spirits for off-premise consumption and any sealed bottles/cans of beer. Partially consumed bottles of wine/spirits or sealed bottles/cans of beer must be removed from the premises securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag or stored away in a secured locker and not for public distribution or consumption;
7. Carry-in/store licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;
8. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
9. The hours of operation for a Class F-2 license holder are the same as those prescribed for a Class A license holder in Section 5.08-130A of this chapter.

7. **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.
    4. 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.

8. **V (Video Gaming)** which is a supplemental license only, which permits Video Gaming only in a Licensed Establishment, otherwise qualified to hold a Video Gaming License. Class V licenses shall only be issued to holders of ~~class B, C or D~~ consumption on-site liquor licenses, ~~licensed~~ fraternal establishments, and ~~licensed~~ veterans' establishments.

    A complete and accurate application to the City for the issuance of a Video Gaming License shall be deemed an application for the issuance of a class V supplemental license.

    Class V licenses may only be issued to qualified Licensed Establishments in good standing which have continuously held a consumption on-site ~~class B, C or D~~ liquor license, is a fraternal or veterans' establishment, and has operated their business on a regular basis for a period of at least one (1) year prior to the date of application for a Class V license.

    Class V licenses shall have the same hours of operation as provided for the underlying liquor license as set forth in Title 5.08.130.

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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:

Class License	Annual License Fee	Comments

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
D-10	$1,000	Entertainment
D-11	$1200.00	Movie Theater
D-12	$500.00	Salon / Spa
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
E-8	$500.00 annual	St. Charles History Museum
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	$3,000	Nano Brewery/Market
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.

Late Night Permit	Fee	Renewal
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

5.08.120 – Temporary License

Notwithstanding any provision of this chapter to the contrary, and provided that an applicant has otherwise fully complied with the requirements of this chapter and is eligible to receive a local liquor license, including the payment of the applicable local liquor license fee, the Local Liquor Control Commissioner may issue a temporary local liquor license~~, pending a receipt of the results of the fingerprint(s) record search for said applicant~~.

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A temporary local liquor license shall be valid for a period of two (2) months, unless sooner terminated, as hereinafter provided. The temporary license must show proof to the City of issuance of a State of Illinois liquor license.

A temporary local liquor license shall terminate upon the first of the following to occur:

1. The expiration of two (2) months after the issuance of such temporary local liquor license;
2. The receipt of satisfactory results with respect to the fingerprint(s) record search for the applicant and the issuance of the local liquor license otherwise provided for by this chapter;
3. The receipt of results with respect to the fingerprint(s) record search for the applicant which would give the Local Liquor Control Commissioner grounds not to issue the local liquor license otherwise provided for by this chapter.

The Local Liquor Control Commissioner may issue no more than two (2) temporary local liquor licenses with respect to a particular application. Any applicant requesting and receiving a temporary local liquor license does so at his own risk. Under no circumstances shall the local license fee paid be prorated or refunded, even if no local liquor license is issued.

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 12:00 a.m. (midnight).
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, D-10, D-11, D-12, E-8 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).

5.08.180 – License – Licensed Premises – Change in Personnel

A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a local liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner within thirty days of the change and be reported to the State of Illinois Liquor Commission.
B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
C. When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
D. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.
E. All owners and managers in charge of a local liquor licensed establishment shall at all times be declared with such person(s) or entity(s) names being on record with the Local Liquor Control Commissioner and Chief of Police.
~~E.~~F. Upon a license being rejected, an applicant or personnel shall be afforded a hearing pursuant to existing protocols established within this chapter.

5.08.230 – Licensed Premises - Location Restrictions

The provisions of the Illinois Liquor Control Act *235 ILCS 5/6-11) are expressly adopted in its entirety by the reference and incorporated herein as though a part of this Act. Any such exemptions must be authorized by ordinance pursuant to 235 ILCS 5/6-11(a)(5).

5.08.250 – Regulations Applicable Generally

23. Payment of Taxes, Fees, Charges and Other Monies to City when Due - It is the obligation of every licensee to pay to the City, ON OR BEFORE THE DUE DATE, each and every tax (including, but not limited to the St. Charles Alcohol Tax), fee, charge or other monetary obligation imposed by and/or owed to the City by said licensee. The failure of a licensee to make any required payment, ON OR BEFORE THE DUE DATE, shall subject the licensee to a Citation being issued to determine if the licensee shall be fined and / or having its license suspended or revoked.

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5.08.320 – License – Revocation or Suspension – Hearing Procedure

A. The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend any license issued under his authority if he determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. In addition to or in lieu of a suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand ($1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred ($1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred ($2,500) Dollars for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand ($15,000) Dollars in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspended and no license shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three-day (3) written notice to the licensee, affording the licensee an opportunity to appear and defend. Further, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this chapter, they~~he~~ may order the licensee to pay to the City the following: 1) reasonable attorney's fees incurred by the City, the Chief of Police and the Local Liquor Control Commissioner; and 2) reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.

B. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, they~~he~~ may, upon the issuance of a written order stating the reason for such conclusions and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; except, if the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.

C. The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if ~~he~~they determine~~s~~ after such hearing that the license should be revoked or suspended, or that the licensee should be fined, shall state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.

D. Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Compiled Statutes.

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City of St. Charles, Illinois
Ordinance No. 2020-M-_____

An Ordinance Amending Title 5 "Business Licenses and Regulations"; Chapter 5.08 "Alcoholic Beverages"; Sections 5.08.010 "License Definitions", 5.08.020 "Local Liquor Control Commissioner", 5.08.060 "License – Dram Shop Insurance Required Prior to Issuance", 5.08.070 "License – Application Requirements", 5.08.090 "License Classifications", 5.08.100 "License Fees; Late Night Permit Fees; Fees Established", 5.08.120 "Temporary License", 5.08.130 "License – Hours of Sale", 5.08.180 "License – Licensed Premises – Change in Personnel", 5.08.230 "License – Licensed Premises – Location Restrictions", 5.08.250 "Regulations Applicable Generally", and 5.08.320 License – Revocation or Suspension – Hearing Procedure" 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 5.08.010 "License Definitions" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934, approved January 31, 1934, as amended (235 ILCS 5/1-1 et seq.) ("Liquor Control Act"), shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

1. "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
2. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to any liquid or solid containing one-half of one percent, or less, of alcohol by volume.
3. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
4. "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors, which conforms to the definition of a club in the Liquor Control Act, as amended.
5. "Growlers and Crowlers" means a glass, ceramic, or steel container used to sell, seal, and transport alcoholic liquor that is brewed, distilled, fermented, or mixed on site.

6. “Halfway House” means premises located on a golf course in proximity of the ninth hole of an eighteen-hole golf course, where alcoholic liquor sales are incidental to the sale of food and snacks. All alcoholic liquors shall be served in other than glass containers.
7. “Holding Bar” means an area within a restaurant where patrons awaiting food service may consume alcoholic liquors served by a bartender. The holding bar area shall be separated from the dining area by means of a partition wall. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.
8. "Hotel" or "Motel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and such guests and having one or more public dining rooms, where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings, in connection therewith and such building or buildings, structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
9. “Intoxication” or “intoxicated” means that as a result of drinking alcoholic liquor there is an impairment of a person’s mental or physical faculties so as to diminish the ability to think and act with ordinary care.
10. “Live Entertainment” means the playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in the zoning code of St. Charles, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital of poetry.
11. “Private function” means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.
12. "Resort Hotel" or “Resort Motel" means a hotel or motel, as described in Paragraph G above, which provides golfing and swimming.
13. “Restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant shall be the service of meals. No restaurant licensed as such shall sell alcoholic liquor unless its full kitchen, kitchen staff and serving staff are in operation providing the restaurant’s full menu to its guests. Alcoholic liquor may be served from a service bar or in a holding bar. (Ord. 2012-M-30 § 1.)
14. “Restaurant and Tavern” means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant and tavern shall be the service of meals. Provided, all tables at which food is served shall only be served alcoholic liquor by waitpersons from a service bar. Alcoholic liquor may be served from a holding bar, provided, a full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until eleven o’clock (11) p.m. Sunday through Thursday, and eleven o’clock (11) p.m. Friday and Saturday. After such times, in the event a full menu is not provided, a reduced menu, which includes only appetizers, sandwiches, snacks, hors d’oeuvres or other similar foods, shall be available, however provided in no event

shall the kitchen cease operating sooner than one hour before closing. "Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

15. "Sell at retail" and "Sale at retail" refer to and mean sales for use or consumption and not for resale in any form.
16. "Service bar" means a permanent or portable bar from which waitpersons pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. A service bar shall not have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons shall not be served from a service bar.
17. "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
18. "Tavern," "Bar" or "Saloon" means any place that engages in the retail sale of alcoholic liquor for consumption on the premises. No tavern, bar or saloon shall sell alcoholic liquor unless food/menu items are offered to its guests. In the event a full menu is not provided a reduced menu, which includes appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available. (Ord. 2015-M-14 § 1; Ord. 2012-M-30 § 2.)
19. "To sell" includes to keep or expose for sale and to keep with intent to sell.
20. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits."
21. "Specialty Drink" means any unique or original drink that originates from the licensed establishment and is exclusive to that business.

SECTION TWO: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.020 "Local Liquor Control Commissioner - Designated" of the St. Charles Municipal Code, be and is hereby amended as follows:

A. Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and he/she be the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

SECTION THREE: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.060 "License – Dram Shop Insurance Required Prior to Issuance" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

No local liquor license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. The City shall be given at least ten days' written notice from such insurance carrier prior to cancellation, termination or amendment of any such dram shop insurance. In addition, a copy of said insurance policy must be made available at all times for inspection and filed with the City Clerk.

Every licensee shall be required to provide the Local Liquor Commissioner with a copy of each renewal/new policy of dram shop insurance when applying for either a new or renewal license.

Any licensee failing to provide a copy of the renewal/new policy of dram shop insurance shall pay a late filing fee in the amount of $50.00. Further, said licensee shall be subject to a fine of not less than two hundred fifty dollars ($250.00) for their first offense of operating without Dram Shop insurance nor more than seven hundred fifty dollars ($750.00) for each subsequent offense. Further, said licensee may be subject to a fine and / or license suspension or license revocation as provided by this Chapter 5.08.

SECTION FOUR: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.070 "License – Application Requirements" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

A. Applications for a local liquor dealer's license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if not an individual, verified by oath or affidavit, and shall contain the following statements and information:
    1. In the case of an individual, the full name, age and address of the applicant; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which it is organized, the names and addresses of the officers and directors, and if five percent or more in interest in the stock of such corporation is owned by a person or his nominee or nominees, the name and address of each such person or persons;
    2. The citizenship of the applicant, his date and place of birth and, if a naturalized citizen, the time and place of his naturalization;
    3. The character of business of the applicant;
    4. The length of time said applicant has been in business of that character;
    5. The amount of goods, wares and merchandise on hand at the time application is made;
    6. The location and description of the premises or place of business which is to be operated under such license;
        a. If a leased premises, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
        b. The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
    7. A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;
    8. A statement that applicant has never been convicted of a felony, or a misdemeanor opposed to decency or morality, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or the ordinances of the City;
    9. Whether a previous license by any state or subdivision thereof or by the federal government has been issued; if so, where and when; or if any such license has been revoked, the reason therefor;
    10. The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation;
    11. A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance of the City in the conduct of his place of business;

12. Any applicant for a newly created city liquor license is to be fingerprinted whether said applicant is an individual or a partnership. Should the applicant be a corporation, the Local Liquor Control Commissioner may, within his discretion, require the following to be fingerprinted: the officers, manager or director thereof, or any stockholder or stockholders owning the aggregate of more than five percent of the capital stock of said corporation. The City police department shall do all such fingerprinting. There shall be a fingerprint fee of fifty ($50) dollars per application to be paid at time of application and non-refundable.

B. The Local Liquor Control Commissioner shall issue a written acceptance or rejection of such application within sixty days of its receipt by the Local Liquor Control Commissioner or city clerk in his behalf with the advice and consent of the City Council.

C. There shall be an application fee of two hundred ($200) dollars, which shall be non-refundable and if a license is granted applied to the first license fee. BYOB and Special Event license application fees shall be the cost of the license. Any outstanding fines and fees related to said licensure owed to the City by the licensee, its officers, directors or shareholders, shall be satisfied before a license is granted or renewed. All monies paid to the City shall be delivered via a certified bank check, or cash. The City will not accept credit cards or personal checks. At the discretion of the City Clerk, corporate checks may be accepted.

Any license that is issued in advance of the completion of the fingerprint background investigation may be rescinded by the Liquor Commissioner if the results of the investigation do not comply with section 5.08.080 of this Code.

SECTION FIVE: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 "License Classifications" of the St. Charles Municipal Code, be and is hereby amended as follows:

D-9. Class D-9 licenses shall authorize the service or delivery of alcoholic liquors, for the consumption on the premises only, at a Small Event Venue. Small Event Venues shall consist of a business for which the exclusive activity is to provide space for catered private parties of less than seventy-five (75) persons, where there is service for consumption at tables of hors d'oeuvres, a buffet, or full multiple course meal, and at which alcoholic liquor may be served incident to such food service. Each venue event at which alcoholic liquor may be served shall be prearranged under the sponsorship of a particular person or organization. Venue events shall not be open to the general public, but attendance shall be by appointment or special invitation of the sponsors. No admission charge shall be levied to guests at such event venues, except for an event sponsored by a non-for-profit corporation or association registered with the State of Illinois. A Class D-9 license does not permit the direct retail sale of alcoholic liquor from the D-9 licensee to the event sponsor or any event attendees.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class D-9 license shall engage the services of a vendor who holds a then current and otherwise valid Class B or Class C license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

As an alternative to engaging the services of a vendor who holds a then current and otherwise valid Class B or Class C license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the premises, the holder of a Class D-9 License may instead allow for the consumption of alcoholic liquors, on the premises, that have been

brought onto the premises by a person or persons who have contracted for an event to be held on the premises where the service of food predominates, subject to the following:

1. The licensee shall take control of such alcoholic liquors promptly upon delivery thereof to the premises, and shall provide BASSET trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.
2. Any and all alcoholic liquors shall be opened, dispensed, delivered and/or served on the premises only by such servers, and only to attendees of the event.
3. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided to the licensee by the patron or patrons supplying the alcoholic liquors, and the City of St. Charles and the Local Liquor Control Commission of the City shall be named as an additional insured on the policy.
4. Any alcoholic liquor remaining unserved after the conclusion of the event may be returned to the person or persons who supplied them, to be transported off the premises only in accordance with law.
5. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag.
6. Any license(s) / permit(s) from the State of Illinois.

SECTION SIX: That Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.090 "License Classifications" of the St. Charles Municipal Code, be and is hereby amended by adding the following:

D-10. Class D-10 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of an entertainment venue or theater for consumption on the premises as determined in an approved site plan from a service bar or snack shop. Such licenses shall only be issued to establishments where the service of alcoholic beverages is ancillary and incidental to entertainment services.

D-12. Class D-12 licenses shall authorize the retail sale and consumption of alcoholic liquor, for consumption on the specified premises, as an adjunct to a salon, spa, hairdresser, beautician, manicure, pedicure, and / or barbershop services while the patrons are receiving contemporaneous spa / salon services from the license holder. Special events, such as art and craft shows and charity type events, are permitted on the premises so long as they are within the permitted hours of retail sale of alcoholic liquor. Massage only facilities are prohibited from offering alcoholic liquor to their patrons. The retail sale of alcoholic liquor while receiving spa / salon services shall be limited to one drink per hour, per customer or patron of the premises, and no such customer or patron shall be served more than three alcoholic beverages during the permitted hours of the retail sale of alcoholic liquor during any one calendar day.

SECTION SEVEN: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 "License Classifications" of the St. Charles Municipal Code, be and is hereby amended as follows:

E-8. Class E-8 licenses shall authorize the service or delivery of alcoholic liquor, for consumption on the premises only and incident to food service at a special event sponsored by, or conducted at the St. Charles History Museum located at 215 E. Main Street, St. Charles, Illinois. The Class E-8 license shall be issued solely for the conduct of not more than twelve (12) events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year at the specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to Scarecrow Festival, the St. Patrick's Day Parade, and the Holiday Homecoming Electric Lights Parade. Any such event at the premises which is in whole or partly held outdoors or on the City sidewalk, street or parking facility must otherwise be in accordance with any and all applicable provisions of the City's Code, including obtaining a special event permit from the City.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class E-8 license shall engage the services of a vendor who holds a then current and otherwise valid liquor license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

In the event any Class E license (with respect to any Class E-5 license, if required in whole or in part by the Local Liquor Control Commissioner, City Council or Chief of Police) is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

1. The license shall rope off or fence the licensed premises.
2. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 or Class E-4 license) consumption to the roped off or fenced area shall be prominently displayed by licensee at all times.
3. The license shall provide for the pickup of all litter and trash.
4. The Local Liquor Control Commissioner, with the advice and consent of the City Council, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If said deposit does not cover actual amount due, licensee is responsible for any balance due.
5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as

designated in any license, permit minors to be present in a licensed premises where food is also served.

6. Obtain any licenses and / or permits required by the State of Illinois.

SECTION EIGHT: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 "License Classifications" of the St. Charles Municipal Code, be and is hereby amended as follows:

8. V (Video Gaming) which is a supplemental license only, which permits Video Gaming only in a Licensed Establishment, otherwise qualified to hold a Video Gaming License. Class V licenses shall only be issued to holders of consumption on-site liquor licenses, fraternal establishments, and veterans' establishments.

A complete and accurate application to the City for the issuance of a Video Gaming License shall be deemed an application for the issuance of a class V supplemental license.

Class V licenses may only be issued to qualified Licensed Establishments in good standing which have continuously held a consumption on-site liquor license, is a fraternal or veterans' establishment, and has operated their business on a regular basis for a period of at least one (1) year prior to the date of application for a Class V license.

Class V licenses shall have the same hours of operation as provided for the underlying liquor license as set forth in Title 5.08.130.

SECTION NINE: 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 and is hereby amended by adding the following:

D-10	$1,000.00	Entertainment
D-12	$500.00	Salon / Spa

SECTION TEN: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.120 "Temporary License" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

Notwithstanding any provision of this chapter to the contrary, and provided that an applicant has otherwise fully complied with the requirements of this chapter and is eligible to receive a local liquor license, including the payment of the applicable local liquor license fee, the Local Liquor Control Commissioner may issue a temporary local liquor license.

A temporary local liquor license shall be valid for a period of two (2) months, unless sooner terminated, as hereinafter provided. The temporary license must show proof to the City of issuance of a State of Illinois liquor license.

A temporary local liquor license shall terminate upon the first of the following to occur:

1. The expiration of two (2) months after the issuance of such temporary local liquor license;
2. The receipt of satisfactory results with respect to the fingerprint(s) record search for the applicant and the issuance of the local liquor license otherwise provided for by this chapter;
3. The receipt of results with respect to the fingerprint(s) record search for the applicant which would give the Local Liquor Control Commissioner grounds not to issue the local liquor license otherwise provided for by this chapter.

The Local Liquor Control Commissioner may issue no more than two (2) temporary local liquor licenses with respect to a particular application. Any applicant requesting and receiving a temporary local liquor license does so at his own risk. Under no circumstances shall the local license fee paid be prorated or refunded, even if no local liquor license is issued.

SECTION ELEVEN: 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:

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, D-10, D-11, D-12, E-8, 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.

SECTION TWELVE: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.180 "License – Licensed Premises – Change in Personnel" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a local liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner within thirty days of the change and be reported to the State of Illinois Liquor Commission.
B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
C. When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
D. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.
E. All owners and managers in charge of a local liquor licensed establishment shall at all times be declared with such person(s) or entity(s) names being on record with the Local Liquor Control Commissioner and Chief of Police.
F. Upon a license being rejected, an applicant or personnel shall be afforded a hearing pursuant to existing protocols established within this chapter.

SECTION THIRTEEN: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.230 "License – Licensed Premises – Location Restrictions" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

The provisions of the Illinois Liquor Control Act *235 ILCS 5/6-11) are expressly adopted in its entirety by the reference and incorporated herein as though a part of this Act. Any such exemptions must be authorized by ordinance pursuant to 235 ILCS 5/6-11(a)(5).

SECTION FOURTEEN: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.250 "Regulations Applicable Generally" of the St. Charles Municipal Code, be and is hereby amended as follows:

23. Payment of Taxes, Fees, Charges and Other Monies to City when Due - It is the obligation of every licensee to pay to the City, ON OR BEFORE THE DUE DATE, each and every tax (including, but not limited to the St. Charles Alcohol Tax), fee, charge or other monetary obligation imposed by and/or owed to the City by said licensee. The failure of a licensee to make any required payment, ON OR BEFORE THE DUE DATE, shall subject the licensee to a Citation being issued to determine if the licensee shall be fined and / or having its license suspended or revoked.

SECTION FIFTEEN: That Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.320 "License – Revocation or Suspension – Hearing Procedure" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

A. The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend any license issued under his authority if he determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. In addition to or in lieu of a suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand ($1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred ($1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred ($2,500) Dollars for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand ($15,000) Dollars in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspended and no license shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three-day (3) written notice to the licensee, affording the licensee an opportunity to appear and defend. Further, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this chapter, they may order the licensee to pay to the City the following: 1) reasonable attorney's fees incurred by the City, the Chief of Police and the Local Liquor Control Commissioner; and 2) reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.
B. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, they may, upon the issuance of a written order stating the reason for such conclusions and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee

an opportunity to be heard during that period; except, if the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.

C. The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if they determine after such hearing that the license should be revoked or suspended, or that the licensee should be fined, shall state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.
D. Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Compiled Statutes.

SECTION SIXTEEN: 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 SEVENTEEN: 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 _____, 2020.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2020.

_____
Raymond P. Rogina, Mayor

ATTEST:

_____
City Clerk

COUNCIL VOTE:
Ayes :_____
Nays :_____
Absent :_____

CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: 5b**
	Title:	Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.20 "Massage Establishments", of the St. Charles Municipal Code.
	Presenter:	Police Chief Keegan

Meeting: Government Operations Committee **Date**: September 21, 2020

Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

City staff asked legal counsel to review all of our associated codes pertaining to alcohol, massage, tobacco and video gaming. This review was an "audit" of sorts with the assistance of Tom Bastian from Storino, Ramello and Durkin. Mr. Bastian has extensive experience in these areas of law and worked with staff to ensure each of the respective codes were in compliance with both state and local mandates.

Please see the attached document for the proposed changes to the City of St. Charles City Code.

Pursuant to this item being presented at the Government Operations Committee Meeting on September 21, 2020 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, 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 October 5, 2020 for final approval.

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

Changes highlighted in ordinance format

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to modify City Code with the listed revisions to Title 5 "Business Licenses and Regulations", Chapter 5.20 "Massage Establishments", of the St. Charles Municipal Code.

Recommended Changes to City Massage Code
August 2020

5.20.060 – Terms of License: License Fees: License Renewal

A. The term of licenses issued under this chapter is for one year beginning May1, and ending on April 30.
B. All license fees shall be paid at the time that the application is made. The license application fee and the annual license renewal fee for a massage business license shall be $250, plus a $50 fingerprint fee. In addition to said annual fee, the applicant shall provide evidence to the City that a qualified Massage Therapist, as defined in §5.20.010 of this chapter will be present on the premises to comply with the requirements of §5.20.030. All applicable license fees and any other required fees, including costs of fingerprinting, shall be paid prior to the issuance of any license.
C. A license may be revoked for failure to pay the license fees and for those grounds stated in 5.20.180. Such revocation may be in addition to any fine imposed.
~~C.~~D. No license shall be issued or renewed if the license, its officers, directors, or shareholders are in arrears of any debt owed to the City.

5.20.150 – Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs

A. The Local Liquor Control Commissioner shall serve as the massage commissioner and shall be charged with the administration of this article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the city council. A massage commission is created, which shall be composed of the same five members of the city's local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.
B. The massage commissioner, after a hearing conducted by the massage commission, may suspend or revoke any license issued under the provisions of this article if ~~he~~ they determine~~s~~ that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the massage commissioner may instead levy a fine on the licensee. The fine imposed shall not exceed $500.00 for each violation. Each day on which a violation continues shall constitute a separate violation.
C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the massage commission ~~with a seven-day written notice to the licensee~~ affording the licensee an opportunity to appear and defend against the charges ~~contained in such notice. The seven-day notice provision shall begin the day following delivery by certified mail or by personal service.~~
D. If the Massage Commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the Massage

Commission shall recommend to the Massage Commissioner either the amount of the fine, the period of suspension or that the license be revoked. ~~The massage commissioner shall review the findings of the massage commission and serve the licensee with his findings and order within 14 days of the massage commission's hearing.~~

E. Any licensee determined by the massage commissioner to have violated any of the provisions of this article shall pay to the city the costs of the hearing before the massage commission on such violation. The massage commissioner shall determine the costs incurred by the city for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the massage commissioner may allow.

The licensee shall pay such costs to the City within 30 days of notification of the costs by the massage commissioner. Failure to pay such costs within 30 days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

F. ~~The terms and provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.) shall apply to all orders of the City which revoke or suspend any massage dealer's license and/or impose a monetary fine or other penalty, as provided for in this article.~~All decisions of the massage commissioner are appealable in the manner provided by law.

5.20.190 – Penalty for Violation

Any person, corporation, firm or partnership found ~~guilty of~~in violation, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this article shall be punished by a fine of not less than $500.00, nor more than $1,500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a license holder violating any provision of this article may be subject to having their license revoked, suspended or not renewed.

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City of St. Charles, Illinois
Ordinance No. 2020-M-_____

An Ordinance Amending Title 5 "Business Licenses and Regulations"; Chapter 5.20 "Massage Establishments"; Sections 5.20.060 "Terms of License: License Fees: License Renewal", 5.20.150 "Massage Business Commissioner; Massage Business Commission; Supervision, Revocation of License; Fines, Costs", and 5.20.190 "Penalty of Violation", 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 5.20 "Massage Establishments," Section 5.20.050 "Terms of License: License Fees: License Renewal" of the St. Charles Municipal Code, be and is hereby amended by adding the following:

D. No license shall be issued or renewed if the license, its officers, directors, or shareholders are in arrears of any debt owed to the City

SECTION TWO: That Title 5 "Business Licenses and Regulations," Chapter 5.20 "Massage Establishments,", Section 5.20.150 "Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

A. The Local Liquor Control Commissioner shall serve as the massage commissioner and shall be charged with the administration of this article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the city council. A massage commission is created, which shall be composed of the same five members of the city's local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.
B. The massage commissioner, after a hearing conducted by the massage commission, may suspend or revoke any license issued under the provisions of this article if they determine that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the massage commissioner may instead levy a fine on the licensee. The fine imposed shall not exceed $500.00 for each violation. Each day on which a violation continues shall constitute a separate violation.
C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the massage commission affording the licensee an opportunity to appear and defend against the charges
D. If the Massage Commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner either the amount of the fine, the period of suspension or that the license be revoked.
E. Any licensee determined by the massage commissioner to have violated any of the provisions of this article shall pay to the city the costs of the hearing before the massage commission on such

violation. The massage commissioner shall determine the costs incurred by the city for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the massage commissioner may allow.

The licensee shall pay such costs to the City within thirty (30) days of notification of the costs by the massage commissioner. Failure to pay such costs within thirty (30) days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

F. All decisions of the massage commissioner are appealable in the manner provided by law.

SECTION THREE: That Title 5 "Business Licenses and Regulations," Chapter 5.20 "Massage Establishments," Section 5.20.190 "Penalty for Violation" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

Any person, corporation, firm or partnership found in violation, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this article shall be punished by a fine of not less than $500.00, nor more than $1,500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a license holder violating any provision of this article may be subject to having their license revoked, suspended or not renewed.

SECTION FOUR: 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 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 _____, 2020.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2020.

_____
Raymond P. Rogina, Mayor

ATTEST:

_____
City Clerk

COUNCIL VOTE:
Ayes :_____
Nays :_____
Absent :_____

CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: 5c**
	Title:	Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.09 "Video Gaming", of the St. Charles Municipal Code
	Presenter:	Police Chief Keegan

Meeting: Government Operations Committee **Date**: September 21, 2020

Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

City staff asked legal counsel to review all of our associated codes pertaining to alcohol, massage, tobacco and video gaming. This review was an "audit" of sorts with the assistance of Tom Bastian from Storino, Ramello and Durkin. Mr. Bastian has extensive experience in these areas of law and worked with staff to ensure each of the respective codes were in compliance with both state and local mandates.

Please see the attached document for the proposed changes to the City of St. Charles City Code.

Pursuant to this item being presented at the Government Operations Committee Meeting on September 21, 2020 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, 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 October 5, 2020 for final approval.

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

Changes highlighted in ordinance format

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to modify City Code with the listed revisions to Title 5 "Business Licenses and Regulations", Chapter 5.09 "Video Gaming", of the St. Charles Municipal Code.

Recommended Changes to City Video Gaming Code
August 2020

5.09.020 – Video Gaming Allowed

VIDEO GAMING ALLOWED: Video Gaming is allowed in certain Licensed Establishments within the City only in accordance with this Article. Subject to all other provisions of this Article, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that is the holder of a consumption on-site liquor license, is a fraternal organization, or ~~and~~ veterans' establishment~~s~~. ~~class B, C or D liquor license, fraternal establishments and veterans' establishments~~. Further, subject to all other provisions of this Article, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that, in addition to being the holder of a consumption on-site liquor license, ~~class B, C or D liquor license,~~ is a fraternal organization or veterans' establishment~~s~~ ~~and veterans' establishments~~ that has also been issued a supplemental class V (video gaming) liquor license.

5.09.050 – Term of License

TERM OF LICENSE: All Licenses shall be valid for a period not to exceed one year after issuance, unless sooner terminated, revoked or suspended as provided by law; and all licenses shall terminate on April 30 next following their issuance.

No license shall be issued or renewed if the license, its officers, directors, or shareholders are in arrears of any debt owed to the City.

~~(2018-M-8: 1 & 2; 2015-M-47: 3)~~

City of St. Charles, Illinois
Ordinance No. 2020-M-_____

An Ordinance Amending Title 5 "Business Licenses and Regulations"; Chapter 5.09 "Video Gaming"; Sections 5.09.020 "Video Gaming Allowed" and 5.09.050 "Term of License" 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 5.09 "Video Gaming," Section 5.09.020 "Video Gaming Allowed" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

> **VIDEO GAMING ALLOWED:** Video Gaming is allowed in certain Licensed Establishments within the City only in accordance with this Article. Subject to all other provisions of this Article, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that is the holder of a consumption on-site liquor license, is a fraternal organization, or veterans' establishment. Further, subject to all other provisions of this Article, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that, in addition to being the holder of a consumption on-site liquor license, is a fraternal organization, or veterans' establishment that has also been issued a supplemental class V (video gaming) liquor license.

SECTION TWO: That Title 5 "Business Licenses and Regulations," Chapter 5.09 "Video Gaming,", Section 5.09.050 "Term of License" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

> TERM OF LICENSE: All Licenses shall be valid for a period not to exceed one year after issuance, unless sooner terminated, revoked or suspended as provided by law; and all licenses shall terminate on April 30 next following their issuance.
>
> No license shall be issued or renewed if the license, its officers, directors, or shareholders are in arrears of any debt owed to the City.

SECTION THREE: 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 FOUR: 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 _____, 2020.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2020.

_____
Raymond P. Rogina, Mayor

ATTEST:

_____
City Clerk

COUNCIL VOTE:
Ayes :_____
Nays :_____
Absent :_____

CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: 5d**
	Title:	Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.16 "Tobacco", of the St. Charles Municipal Code
	Presenter:	Police Chief Keegan

Meeting: Government Operations Committee **Date**: September 21, 2020

Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

City staff asked legal counsel to review all of our associated codes pertaining to alcohol, massage, tobacco and video gaming. This review was an "audit" of sorts with the assistance of Tom Bastian from Storino, Ramello and Durkin. Mr. Bastian has extensive experience in these areas of law and worked with staff to ensure each of the respective codes were in compliance with both state and local mandates.

Please see the attached document for the proposed changes to the City of St. Charles City Code.

Pursuant to this item being presented at the Government Operations Committee Meeting on September 21, 2020 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, 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 October 5, 2020 for final approval.

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

Changes highlighted in ordinance format

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to modify City Code with the listed revisions to Title 5 "Business Licenses and Regulations", Chapter 5.16 "Tobacco", of the St. Charles Municipal Code.

Recommended Changes to City Tobacco Code
August 2020

5.16.050 – Fee and Term

A. The license fee for a Retail Tobacco Dealer – over the counter as well as vending machines shall be $50.00.
B. The license fee for a Retail Tobacco Dealer – product sampler shall be $100.00.
C. The license fee for a Wholesale Tobacco Dealer shall be $250.00.

The license shall be effective for one (1) year commencing on May 1 and ending on April 30, annually.

No license shall be issued or renewed if the license, its officers, directors or shareholders are in arrears on any debt owed to the City.

5.16.080 – Signs

A. Signs informing the public of the age restrictions provided herein provided herein shall be posted by every licensee at or near every display of tobacco, tobacco products, alternative nicotine products, and electronic cigarettes and on or upon every vending machine which offers tobacco, tobacco products alternative nicotine products, or electronic cigarettes for sale. Each such sign shall be plainly visible and shall state:

   SALE OF TOBACCO ACCESSORIES, SMOKING HERBS, AND ALTERNATIVE NICOTINE PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW

B. Signs informing the public of the U.S. surgeon general's health warning shall be posted by every licensee selling cigarettes or alternative nicotine products at or near every display of cigarettes or alternative nicotine products and on or upon every vending machine which offers cigarettes or alternative nicotine products for sale. Each such sign shall be plainly visible and shall state:

   SURGEON GENERAL'S WARNING: SMOKING BY PREGNANT WOMEN MAY RESULT IN FETAL INJURY, PREMATURE BIRTH, AND LOW BIRTH WEIGHT.

   The above signs shall be posted in a conspicuous place and shall be printed on white cards in red letters at least one-half inch (1/2") in height.

C. Locations Restrictions:
   It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco,

tobacco products, alternative nicotine products, or electronic cigarettes within one hundred feet (100') of any school, childcare facility or other building used for education or recreational programs for persons under the age of ~~eighteen~~ twenty-one (21~~18~~) years.

D. Certain Free Distributions Prohibited:
It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco, tobacco products, alternative nicotine products, or electronic cigarettes, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business to distribute, give away or deliver tobacco, tobacco products, alternative nicotine products, or electronic cigarettes free of charge to any person on any right of way, park, playground or other property owned by the City, or any other public body, school district or unit of local government.

5.16.170 – Penalty

Any person violating any provision of sections 5.16.100 or 5.16.110 shall, upon violation~~conviction~~, be fined one hundred dollars ($100.00) for the first offense, two hundred fifty dollars ($250.00) for the second offense and five hundred dollars ($500.00) for each subsequent offense. In the alternative, any person violating any provision of sections 5.16.100 or 5.16.110 shall, upon ~~conviction~~violation, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of community ~~restitution~~ service for the second offense, and one-hundred (100) hours of community ~~restitution~~ service for each subsequent offense. All community service shall be completed within one (1) year from the date of ~~conviction~~the violation.

Any person, firm or corporation violating any provision of this chapter other than 5.16.100 or 5.16.110 shall be fined not less than one hundred ($100.00) nor more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

5.16.180 – Tobacco commissioner; tobacco commission; suspension, revocation of license; fines, costs

A. The Local Liquor Control Commissioner shall serve as the tobacco commissioner and shall be charged with the administration of this article and of such other ordinances relating to tobacco sales and licensing as may be from time to time enacted by the city council. A tobacco commission is created, which shall be composed of the same five members of the city's local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.

B. The tobacco commissioner, after a hearing conducted by the tobacco commission, may suspend or revoke any license issued under the provisions of this article if they~~he~~ determine~~s~~ that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the tobacco commissioner may instead levy a

City of St. Charles, Illinois
Ordinance No. 2020-M-_____

An Ordinance Amending Title 5 "Business Licenses and Regulations"; Chapter 5.16 "Tobacco"; Sections 5.16.050 "Fee and Term", 5.16.080 "Signs", 5.16.170 "Penalty", and 5.16.180 "Tobacco commissioner; tobacco commission; suspension, revocation of license; fines, costs" 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 5.16 "Tobacco," Section 5.16.050 "Fee and Term" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

A. The license fee for a Retail Tobacco Dealer – over the counter as well as vending machines shall be $50.00.
B. The license fee for a Retail Tobacco Dealer – product sampler shall be $100.00.
C. The license fee for a Wholesale Tobacco Dealer shall be $250.00.

The license shall be effective for one (1) year commencing on May 1 and ending on April 30, annually.

No license shall be issued or renewed if the license, its officers, directors or shareholders are in arrears on any debt owed to the City.

SECTION TWO: That Title 5 "Business Licenses and Regulations," Chapter 5.16 "Tobacco", Section 5.16.080 "Signs" of the St. Charles Municipal Code, be and is hereby amended as follows:

C. Locations Restrictions:
It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco, tobacco products, alternative nicotine products, or electronic cigarettes within one hundred feet (100') of any school, childcare facility or other building used for education or recreational programs for persons under the age of twenty-one (21) years.

SECTION THREE: That Title 5 "Business Licenses and Regulations," Chapter 5.16 "Tobacco", Section 5.16.070 "Penalty" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

Any person violating any provision of sections 5.16.100 or 5.16.110 shall, upon violation, be fined one hundred dollars ($100.00) for the first offense, two hundred fifty dollars ($250.00) for the second offense, and five hundred dollars ($500.00) for each subsequent offense. In the alternative, any person violating any provision of sections 5.16.100 or 5.16.110 shall, upon violation, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of community service for the second offense, and one-hundred (100) hours of community

service for each subsequent offense. All community service shall be completed within one (1) year from the date of the violation.

Any person, firm or corporation violating any provision of this chapter other than 5.16.100 or 5.16.110 shall be fined not less than one hundred ($100.00) nor more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION FOUR That Title 5 "Business Licenses and Regulations," Chapter 5.16 "Tobacco", Section 5.16.180 "Tobacco commissioner; tobacco commission; suspension, revocation of license; fines, costs" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

A. The Local Liquor Control Commissioner shall serve as the tobacco commissioner and shall be charged with the administration of this article and of such other ordinances relating to tobacco sales and licensing as may be from time to time enacted by the city council. A tobacco commission is created, which shall be composed of the same five members of the city's local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.
B. The tobacco commissioner, after a hearing conducted by the tobacco commission, may suspend or revoke any license issued under the provisions of this article if they determine that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the tobacco commissioner may instead levy a fine on the licensee. The fine imposed shall be in an amount not less than two hundred fifty ($250.00) dollars and not more than one thousand ($1,000.00) dollars for each violation. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue.
C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the tobacco commission affording the licensee an opportunity to appear and defend against the charges.
D. If the tobacco commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the tobacco commission shall recommend to the tobacco commissioner either the amount of the fine, the period of suspension or that the license be revoked.
E. Any licensee determined by the tobacco commissioner to have violated any of the provisions of this article shall pay to the City the costs of the hearing before the tobacco commission on such violation. The tobacco commissioner shall determine the costs incurred by the City for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the tobacco commissioner may allow.

   The licensee shall pay such costs to the city within 30 days of notification of the costs by the tobacco commissioner. Failure to pay such costs within 30 days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

F. All decisions of the tobacco commissioner are appealable in the manner provided by law.

SECTION FIVE: 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 SIX: 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 _____, 2020.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2020.

_____
Raymond P. Rogina, Mayor

ATTEST:

_____
City Clerk

COUNCIL VOTE:
Ayes :_____
Nays :_____
Absent :_____

fine on the licensee. The fine imposed shall be in an amount not less than two hundred fifty ($250.00) dollars and not more than one thousand ($1,000.00) dollars for each violation. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue.

C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the tobacco commission ~~with a seven (7) days written notice to the licensee~~ affording the licensee an opportunity to appear and defend against the charges ~~contained in such notice~~. ~~The seven (7) days notice provision shall begin the day following delivery by certified mail or by personal service.~~

D. If the tobacco commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the tobacco commission shall recommend to the tobacco commissioner either the amount of the fine, the period of suspension or that the license be revoked.

E. Any licensee determined by the tobacco commissioner to have violated any of the provisions of this article shall pay to the C~~c~~ity the costs of the hearing before the tobacco commission on such violation. The tobacco commissioner shall determine the costs incurred by the C~~c~~ity for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the tobacco commissioner may allow.

The licensee shall pay such costs to the city within 30 days of notification of the costs by the tobacco commissioner. Failure to pay such costs within 30 days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

F. ~~The terms and provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.) shall apply to all orders of the city which revoke or suspend any tobacco dealer's license and/or impose a monetary fine or other penalty, as provided for in this article.~~All decisions of the tobacco commissioner are appealable in the manner provided by law.

	AGENDA ITEM EXECUTIVE SUMMARY	Agenda Item Number: 5e
CITY OF ST. CHARLES ILLINOIS • 1834	**Title:**	Recommendation to approve a Proposal for an A-1 Liquor License Application for Mr. A's Prairie and Liquor, Located at 1401 Prairie St., St. Charles.
	Presenter:	Police Chief James Keegan

Meeting: Government Operations Committee **Date**: September 21, 2020

Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

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

Mr. A's Prairie Liquor and Wine, located at 1401 Prairie St., has new ownership that is requesting approval for a Class A-1 liquor license. Please see the attached documents supporting this request. No alterations are planned to the establishment.

Pursuant to this item being presented at the Government Operations Committee Meeting on September 21, 2020 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, 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 October 5, 2020 for final approval.

Attachments (*please list*):

Memo, Background, Liquor License Application, Basset Information, Floor Plan,

Recommendation/Suggested Action (*briefly explain*):

Recommendation to approve a proposal for an A-1 Liquor License application for Mr. A's Prairie Liquor and Wine, located at 1401 Prairie St., St. Charles.

Police Department

ST. CHARLES
SINCE 1834

Memo

Date: 9/15/2020

To: The Honorable Ray Rogina, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

Re: Background Investigation-Mr. A's Liquor and Wine/1401 Prairie Street (Class A-1)

The purpose of this memorandum is to document and forward to your attention the results of the police background investigation conducted by members of the St. Charles Police Department concerning the above-mentioned establishment.

The owner and local manager were vetted pursuant to existing protocols. Both reside in nearby Wayne and the owner owns and operates three (3) similar liquor stores in West Chicago. There have be no derogatory police contacts with the applicants in West Chicago aside from a few contacts in Carol Stream in the early 2000's.

This is an A-1 license request and the square footage of the business is 2,500 square feet. Sales can only occur between 7:00am and 12:00am daily.

The site location/floor plans and the corresponding application materials were all reviewed by me and my staff. We also reviewed their business plan, Dram Shop insurance and application materials. All are complete. We found nothing of a derogatory nature that would preclude either the site location or the applicants from moving forward with alcohol sales, subject to City Council approval.

Thank you in advance for your consideration in this matter.

LIQUOR APPLICANT BACKGROUND CHECK LIST

APPLICANT(S): Ankur B. Patel / Minal B. Patel

BUSINESS: Mr A's Prairie Liquor and Wine

ADDRESS: 1401 Prairie St

	REQUESTED	COMPLETED
APPLICATION		✓
BUSINESS PLAN/FLOOR PLAN/MENU		✓
LEASE (OR LETTER OF INTENT)		✓
BASSET CERTIFICATE(S)		✓
FINGERPRINTS (ALL MANAGERS)		✓
DRAM SHOP (CERTIFICATE OF INSURANCE)		✓
TLO		✓
I-CLEAR		✓
CERTIFICATE OF NATURALIZATION (IF APPLICABLE)		N/A
POLICE RECORDS CHECK		✓
APPLICANT'S HOMETOWN RESIDENCY LETTER		✓
ILLINOIS LIQUOR COMMISSION		✓
SITE VISIT		N/A

* COMMENTS:

INVESTIGATOR ASSIGNED: Tynan

SUPERVISOR REVIEW: E. Mjewski #517

Police Department

ST. CHARLES
SINCE 1834

Memo

Date: 9/14/2020

To: Chief Keegan

From: Det. B. Tynan #353

Re: "Mr. A's Prairie Liquor and Wine " Liquor License background – 1401 Prairie St.

The purpose of this memo is to document the background investigation of Ankur Patel pursuant to his application for a Class A-1 liquor license for Mr. A's Prairie Liquor and Wine, which will take over the currently existing and operating business, One Stop Liquor, 1401 Prairie St.

Applicant/Manager

Patel, Ankur B.

[redacted]

Majority owner

Patel, Minal B.

[redacted]

- Both Patels currently live at the above address, and have resided there for approximately 10 years. Wayne PD does not have any contacts with Minal Patel, and has two contacts with Ankur Patel, one on a residential alarm and the other for a noise complaint in 2018.
- This department does not have any contacts with either Patel. Ankur was stopped by Geneva PD on 01/24/13 for speeding and issued a warning.
- Both Patels have valid Illinois driver's licenses.
- Both Patels formerly lived at [redacted] Bartlett PD has two prior contacts with Ankur Patel that were not criminal in nature.
- Ankur Patel is a US citizen, born in Chicago. Minal is a naturalized US citizen (06/21/83 in Hudson County, New Jersey). A copy of her naturalization is attached.
- Ankur Patel was fingerprinted at SCPD on 08/31/20. The return from ISP on 09/01/20 revealed no prior arrest data.

- Minal Patel was fingerprinted at SCPD on 09/09/20. The return from ISP on the same day revealed no prior arrest data.
- Ankur Patel currently operates three liquor stores in West Chicago
  - Mr. A's Galleria Liquor, 1400 S. Neltnor Ave (11 years)
  - Mr A's Emporium Wine, 1941 Franciscan Way (18 years)
  - Mr. A's Arbor Liquor, 110 Arbor Ave. (3 years)
- West Chicago PD has 12 contacts with Ankur Patel dating back to 2007. All contacts were as a victim related to his businesses. West Chicago does not have any contacts with Minal.
- A check through iClear was negative for both subjects.
- According to the Illinois Liquor Control Commission, all of Ankur Patel's current state licenses are active and in good standing. His name does not appear on any other liquor business.
- Via TLO I located several driving infractions for Ankur Patel (expired registration, no valid driver's license, speeding, obstructed view, stop sign, seat belt, improper display of license plates, no insurance, turn signal) throughout DuPage and Kane Counties dating back to 1999. All of the cases have been closed or terminated satisfactorily. I also located several driving infractions for Minal in DuPage and Kane counties (control signal, speeding, uninsured vehicle, control device, expired driver's license more than one year) dating back to 1999.
- On 04/19/01 Patel was cited by Carol Stream PD for selling tobacco to a minor. Patel initially told me his family did own a business in Carol Stream at that time, but he could not recall the location and he did not recall this incident. In checking with Carol Stream PD, I was informed that it only has one unknown contact with Patel in 2006, and that report was destroyed. It is unknown why this 2001 citation does not appear as a contact with the police department. In attempting to gather more information about this incident, Patel asked his mother and was told the incident occurred at the family's first Mr. A's location at 628 E. St. Charles Road. At the time, Patel was working part time there and did not have any ownership stake in the business. During a follow up conversation, Patel initially stated he could not recall the incident, but later in the conversation stated he remembered checking the ID of the person and being scared that he committed a crime. He did not recall having to go to court.
- On 09/29/03 Minal Patel was cited by Carol Stream PD for selling tobacco without a license. She plead guilty, fines and costs were assessed and the case was closed.
- Also through TLO, I located seven dissolved records of corporation dating back to 2002. All have Patel listed as the corporate officer/director, and all were filed using his previous address in Bartlett.

On 08/28/20 I met with Ankur Patel at the SCPD. I informed him of this background investigation. I presented Patel with the release form, which he signed. I handed over to him a copy of the city's liquor code and highlighted Class A. There was a technical issue with the Livescan machine on this date that

did not allow Patel to be fingerprinted. He returned to be fingerprinted on 08/31/20.

Ankur Patel stated he intends to take over minority ownership and management of the business as soon as he is approved for a liquor license. His mother, Minal Patel (09/25/56), will be silent majority owner. Once he owns the business, he will change the name to Mr A's Prairie Liquor and Wine. The business model will essentially remain the same. He estimated he would have approximately $150-$175,000 of alcohol stock on hand daily. He stated he doesn't believe in attracting a young clientele and will utilize the We Card program – a national non-profit that assists retailers with compliance efforts - as he does at his other locations.

Ankur Patel stated he intends to make some minor improvements to the interior and exterior of the building once he takes over ownership. He stated a new surveillance system will be installed, and new paint/lighting will be added. He also will change the exterior signage to reflect the name change. He understood that he would need city approval to change the height and width of the roadside sign, and stated he only intends to change the Plexiglas. He also stated the hours of operation will be less than allowed by ordinance, although at this point he was not sure what those hours would be.

On 09/09/20 I met with Minal Patel at the SCPD where she was fingerprinted. She also read and signed the background release form. Minal stated she is the majority owner of all of the Mr. A's locations, but she is not involved in any of the day to day operations, and does not plan to be in the Prairie Street store either. When asked about the selling tobacco without a license ticket in Carol Stream in 2003, Minal stated she had no recollection of the incident, and did not remember being cited.

Ankur Patel received his BASSET certification on 08/19/20 (attached - Learn2Serve). He understands that any employee that he hires will have to undergo BASSET certification, too. Minal Patel is not BASSET certified.

A certificate of liquor liability insurance for Ankur Patel's LLC (ANB Liquor LLC) (Illinois Casualty Co.) is attached. A copy of the building lease is attached.

This concludes this background investigation.

wbt

As an applicant for licensing with the City of St. Charles, I am required to furnish information for use in determining my qualifications. In this connection, I authorize the release of any and all information you may have concerning me, including but not limited to criminal history and conviction information, information of a confidential or privileged nature or any data or materials which have been sealed or agreed to be withheld pursuant to any prior agreement or court proceeding involving disciplinary matters.

I hereby release, discharge, and exonerate the CITY OF ST. CHARLES POLICE DEPARTMENT, its agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing, inspecting, and copying of such documents, records and other information. This release shall be binding on my legal representatives, heirs, and assigns. It is understood and acknowledged by me that any information secured, pursuant to this required background investigation, which would negatively reflect on me or my ability to obtain licensing in the City of St. Charles or elsewhere may be disseminated to the appropriate agency or jurisdiction of proper authority. A copy of this document shall be as binding as the original.

Minal Patel
Applicant Name (Printed)

Applicant's Signature

9/9/20
Date

8/25/2020 - A package

City of St. Charles, Illinois Liquor Control Commissioner

CITY RETAIL LIQUOR DEALER LICENSE APPLICATION

APPLICATION FEE IS NON REFUNDABLE

Incomplete applications will not be accepted.

Applications may be submitted to: 2 E. Main Street, St. Charles, IL 60174-1984

APPLICATION CHECKLIST

Check items to confirm all are attached to this application	Applicant	Office Use
Application Fee of $200 (5.08.070C) Non-refundable	☑	☐
Completed Application for all questions applicable to your business.	☑	☐
Copy of Lease/Proof of Ownership	☑	☐
Copy of Dram Shop Insurance or a letter from insurance agent with a proposed quote.	☑	☐
Copy of Articles of Corporation, if applicable.	☑	☐
Completed B.A.S.S.E.T. (Beverage Alcohol Sellers & Servers Training) form – filled out for **all** employees. A copy of the B.A.S.S.E.T. certificate is **only** needed for **each manager**. It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for all of their employees.	☑	☐
Copy of Site Plan for Establishment (**Drawn to scale** including the parking lot, patio and/or deck, outdoor seating).	☐	☐
Copy of Floor Plan for Establishment (**Drawn to scale** and **must include** the layout of the establishment with tables, chairs, aisles, displays, cash register, bar, and lounge area with dimensions, percentage, and square footage noted for each space). Be sure to also include all **fixed objects**, such as pool tables, bar stools, vending/amusement machines; as well as all **exits**.	☑	☐
Copy of Business Plan, to include: ☐ Hours of Operation ☐ Copy of Menu ☐ Whether or not live music will be played at this establishment ☐ Will there be outdoor seating and/or outdoor designated smoking area ☐ **Do not include a marketing or financial plan with this business plan**	☑	☐
Are any building alterations planned for this site? If not sure, please contact **Building & Code Enforcement at 630.377.4406** and/or **Fire Prevention Bureau at 630.377.4458** to discuss whether or not a walk-thru and/or permit are necessary.	☐	☐
All managers have been fingerprinted who are employed by your establishment. When new management is hired, it is imperative you contact the Mayor's office to be fingerprinted so the City's business files are appropriately updated.	☑	☐
Alcohol Tax Acknowledgement and Business Information Sheet	☑	☐

OFFICIAL USE ONLY

Signature of Investigating Officer _____ Badge Number & Rank _____

☐ Approval Recommended* ☐ Approval NOT Recommended

Signature of Chief of Police _____ Date _____

ISSUANCE OF THIS LICENSE IS CONTINGENT ON MEETING ALL REQUIRED BUILDING AND FIRE DEPARTMENT REQUIREMENTS.

Date Application Received: _____

LICENSE INFORMATION:

☑ A Package $3200-3600

○ B Restaurant $2400-3600

○ C Tavern $2400-3600

○ D Hotel/Banquet/Arcada/Q-Center/Entertainment/Club - $varies

○ G Brewery/Restaurant or Site License - $varies

☐ Late Night Permit 1:00am $800 (B/C only)

☐ Late Night Permit 2:00am $2300 (B/C only)

**Initial Liquor License fees for A, B, C, D, G are reduced by 50% for annual renewals and licenses issued after Nov 1.*

Licenses are valid until April 30 following issuance and a renewal application is required for the next year (May 1-April 30)* **(5.08.040)

APPLICANT INFORMATION

1. Type of Business: ○ Individual ○ Partnership ☑ Corporation ○ Other (explain):

2. Business Name: ANB LIQUOR LLC DBA MR A's Prairie Liquor & Wine

3. Business Address: 1401 Prairie St, St Charles

4. Type of Business (5.08.070-3):	5. Length of Time in this Business (5.08.070-4):	6: Value of merchandise that normally will be in inventory when in operation (5.08.070-5): $
LIQUOR Store	18 years	150,000

7. Business Phone:	8. Business E-mail:	9. Business Website:	10: Illinois Tax ID Number:
630 443 9390	mr.a liquor@gmail.com	NA	[redacted]

11. Applicant/Contact Person Name:	12. Title:	13. Email:
ANKUR PATEL	MANAGER	mr.a-liquor@gmail.com

14. Applicant Home Address, and all addresses for the last 10 years: [redacted]

15. Ph #:	DL #:	16. Date of Birth:	17. Birthplace:
[redacted]	[redacted]	[redacted]	Chicago ILL

18. If Corporation, Corporation Name: ANB LIQUOR LLC

19. Corporation Address (city, state, zip code): 110 ARBOR Ave WEST CHICAGO IL 60185

ADDITIONAL OWNERS, INVESTORS (greater than 5% interest), and MANAGER INFORMATION

Full Name, include middle initial: Title: PRESIDENT

Birthdate: Birthplace: Driver's License#: Home Phone:

[redacted]

Home Address, and all addresses for the last 10 years: Email Address:

[redacted]

Full Name, include middle initial: Title:

Birthdate: Birthplace: Driver's License#: Home Phone:

Home Address, and all addresses for the last 10 years: Email Address:

Full Name, include middle initial: Title:

Birthdate: Birthplace: Driver's License#: Home Phone:

Home Address, and all addresses for the last 10 years: Email Address:

BUSINESS ESTABLISHMENT LOCATION INFORMATION

1. Exact Street Address for liquor license:	2. # Parking Spaces:	3. Outside Dining s.f. **[17.20.020-R]:**	4. Total Building s.f.:
1401 Prairie St		NA	2500
5. Total # Seats: NA	6. Live Entertainment Area s.f. **[5.08.010-H]:** N/A		

7. Brief Business Plan description based on type of establishment listed above **(5.08.070-6)**:

Packaged Beer Wine Liquor

PROPOSED FLOOR PLAN/LAYOUT OF PROPERTY

Attach to this application a floorplan or layout of the proposed facility to include the following:

1.	Every application for Liquor license shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following: a. The location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof; b. The designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided); c. The proposed seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
2.	The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Commissioner may impose such restrictions as he deems appropriate on any license by noting the same on the approved site drawing or as provided on the face of the license.
3.	A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4.	It shall be unlawful for any licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

THE FIRE PREVENTION BUREAU WILL FURNISH ALL FINAL, PERMITTED OCCUPANCY NUMBERS FOR THIS LICENSE.

CORPORATION / PREMISES QUESTIONS

1.	If applicant is an individual or partnership, is each and every person a United States citizen **(5.08.070-2)**? ☑ **Yes** ☐ **No** Is any individual a naturalized citizen? ☐ **Yes** ☐ **No** **If yes**, print name(s), date(s), and place(s) of naturalization:
2.	Is the premises owned or leased **(5.08.070-6A)**? ☐ **Owned** ☑ **Leased**
3.	If the premises are leased, list the names and addresses of all direct owners or owners of beneficial interests in any trusts, if premises are held in trust **(5.08.070-6B)**: **Name of Building Owner:** Acciari Partners Phone Number: 847-278-0277 Address of Building Owner: 7434 N. Lincoln Avenue Ad C Skokie IL 60076 E-mail Address: jacciari@att.net Mailing Address of Building Owner (if different): **Name of Building Owner:** Phone Number: Address of Building Owner: E-mail Address: Mailing Address of Building Owner (if different): **Name of Building Owner:** Phone Number: Address of Building Owner: E-mail Address: Mailing Address of Building Owner (if different):
4.	Does the applicant currently operate, or operated in the past, any other establishment within the City of St. Charles that requires a liquor license? ☐ **Yes** ☑ **No** **If yes**, please list the business name(s) and address(es):
5.	Does applicant have any outstanding debt with the City of St. Charles, including, but not limited to, utility bills, alcohol tax, and permit fees, for any current or previous establishment owned, operated or managed by the applicant? ☐ **Yes** ☑ **No** ***If yes, please note the City of St. Charles requires all debt to be paid in full before consideration of a new or renewed liquor license is issued.*** **(5.08.050)**
6.	Are any improvements planned for the building and/or site that will require a building permit? ☐ **Yes** ☑ **No** **If yes**, has a building permit been applied for? ☐ **Yes** ☐ **No** Date of permit application_____
7.	Has applicant applied for a similar or other license on the premises other than the one for which this license is sought **(5.08.070-7)**? ☐ **Yes** ☑ **No** **If yes,** what was the disposition of the application? Explain as necessary:

8.	Has applicant (and all persons listed on page 2 of this application) ever been convicted of a felony under any Federal or State law, or convicted of a misdemeanor opposed to decency or morality **(5.08.070-8)**? ○ **Yes** ☒ **No** Is applicant (and all persons listed on page 2 of this application) disqualified from receiving a liquor license by reason of any matter contained in Illinois State law and/or City of St. Charles Municipal Ordinances? ○ **Yes** ☒ **No**
9.	**List previous liquor licenses issued by any State Government or any subdivision thereof (5.08.070-9). Use additional paper if necessary.** **Government Unit:** City of west chicago Location, City/State: West Chicago IL Date: 8/18 Special Explanations: **Government Unit:** Location, City/State: Date: Special Explanations:
10.	Have any liquor licenses possessed ever been revoked **(5.08.070-9)**? ○ **Yes** ☒ **No** **If yes,** list all reasons on a separate, signed letter accompanying this application. Has any director, officer, shareholder, or any of your managers, ever been denied liquor license from any jurisdiction? ○ **Yes** ○ **No** **If yes,** proceed to Question 15. If more space is needed, please attach a separate sheet of paper with the information.
11.	**Complete ONLY if yes was answered to the question above (10):** Name: Name of Business: Position with the Business: Date(s) of Denial: Reason(s) for Denial of License:
12.	Date of Incorporation (Illinois Corporations) **(5.08.070-10)**: 8/14/17 Date qualified under Illinois Business Corporation Act to transact business in Illinois (Foreign Corporation): 8/14/17
13.	Has the applicant and all designated managers read and do they all understand and agree not to violate any laws of the United States, the State of Illinois, and any of the ordinances of the City of St. Charles in conducting business **(5.08.070-11)**? ☒ **Yes** ○ **No** Have you, or in the case of a corporation, the local manager, or in the case of a partnership any of the partners, ever been convicted of any violation of any law pertaining to alcoholic liquor? ○ **Yes** ☒ **No** Have you, or in the case of a corporation the local manager, or in the case of a partnership any of the partners, ever been convicted of a felony? ○ **Yes** ☒ **No** Have you ever been convicted of a gambling offense? ○ **Yes** ☒ **No** (If a partnership or corporation, include all partners and the local manager(s).)

	Will you and all your employees refuse to serve or sell alcoholic liquor to an intoxicated person or to a minor? Ø Yes ○ No
14.	All individual owners, partners, officers, directors, and/or persons holding directly or beneficially more than five (5) percent in interest of the stock of owners by interest listed on page 2 of this application must be fingerprinted by the City of St. Charles Police Department (5.08.070-A12). Has this been done? ○ Yes ○ No **If yes,** date(s):
15.	Has the applicant attached proof of Dram Shop Insurance to this application or already furnished it to the City of St. Charles (5.08.060)? Ø Yes ○ No If already furnished, date of delivery:
16.	Is the premises within 100 feet of any real property of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands, or children; and/or any military or naval station (5.08.230)? ○ Yes Ø No

B.A.S.S.E.T. TRAINING

Please list employees required to have B.A.S.S.E.T training on this page – include all managers, assistant managers, bartenders, and clerks who are permitted to make alcoholic liquor sales. **Include copies of certificates for managers only and mark Manager if applicable. Add another page, if needed.**

Name (First, Middle, Last): ANKUR PATEL Birthdate: [redacted]

Home Street Address, Incl City, State, Zip: [redacted]

Date of Course: 8/18/20 Place Course was Taken: online Certificate Granted? Y/N Expiration: N/A

Name (First, Middle, Last): Birthdate:

Home Street Address, Incl City, State, Zip:

Date of Course: Place Course was Taken: Certificate Granted? Y/N Expiration:

Name (First, Middle, Last): Birthdate:

Home Street Address, Incl City, State, Zip:

Date of Course: Place Course was Taken: Certificate Granted? Y/N Expiration:

Name (First, Middle, Last): Birthdate:

Home Street Address, Incl City, State, Zip:

Date of Course: Place Course was Taken: Certificate Granted? Y/N Expiration:

NEW MANAGEMENT REQUIREMENTS

Whenever a new manager comes on board, the City must be notified and that person must be fingerprinted.

It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for their employees.

COMMENTS/ADDITIONAL INFORMATION

Business Name:

SIGNATURES

STEVEN C HARRY
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Nov. 25, 2022

Applicant's Signature

Subscribed and sworn before me this 25 day of August, 20 20

(Seal)

Notary Public

ADDENDUM TO RETAIL LIQUOR LICENSE APPLICATION

To be completed by the City of St. Charles Police Department

Date:	Name of Applicant:
09/02/2020	Patel, Ankur B.

Name of Business: Mr. A's Prairie Liquor and Wine

Address of Business:	Ward Number:
1401 Prairie St.	5

Pursuant to the provision of the City of St. Charles Municipal Code, Chapter 5.08, Alcoholic Beverages, the following guide shall be in effect for the investigation of an applicant for a Retail Dealer's Liquor License:

1. Date on which applicant will begin selling retail alcoholic liquors at this location:

   ASAP

2. Is the location within 100 feet of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands or children; or any military or naval station? ☐ **Yes** ☑ **No**

3. If the answer to question 2 is yes, answer the following: Is applicant's place of business a hotel offering restaurant service, a regularly organized club, a restaurant, a food shop, or other place where the sale of alcoholic liquors is not the principal business? ☐ **Yes** ☐ **No**

   If yes, answer a, b and c:
   a. State the kind of such business:
   b. Give date on which applicant began the kind of business named at this location:
   c. Has the kind of business designated been established at this location for such purpose prior to February 1, 1934, and carried on continuously since such time by either the applicant or any other person?

   ☐ **Yes** ☐ **No**

4. If premises for which an alcoholic liquor license is herein applied for are within 100 feet of a church, have such premises been

	licensed for the sale of alcoholic liquor at retail prior to the establishment of such church? ☐ **Yes** ☐ **No** **If yes**, have the premises been continuously operated and licensed for the sale of alcoholic liquor at retail since the original alcoholic liquor license was issued therefore? ☐ **Yes** ☐ **No**
5.	Is the place for which the alcoholic liquor license is sought a dwelling house, flat, or apartment used for residential purposes? ☐ **Yes** ☑ **No**
6.	Is there any access leading from premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public? (Connection between premises and such other portion of building or structure as is used only by the applicant, his/her family and personal guests not prohibited.) ☐ **Yes** ☑ **No**
7.	If applicant conducts or will conduct in the same place any other class of business in addition to that of City Retailer of Alcoholic Liquor, state the kind and nature of such business: ☐ **Yes** ☑ **No**
8.	Are all rooms where liquor will be sold for consumption on the premises continuously lighted during business hours by natural light or artificial white light so that all parts of the interior shall be clearly visible? ☑ **Yes** ☐ **No**
9.	Are premises located in any building belonging to or under the control of the State of Illinois or any other political subdivision thereof, such as county, city, etc.? ☐ **Yes** ☑ **No**
10.	Are the premises for which license is herein applied for a store or place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food or drinks for such minors? ☐ **Yes** ☑ **No**
11.	It is required by the City of St. Charles that all employees undergo BASSET training. Provide a copy of the certificate of training completion for each manager. All certificates for managers have been submitted: ☑ **Yes** ☐ **No**
12.	From your observation and investigation, has applicant–to the best of your knowledge–truthfully answered all questions? ☑ **Yes** ☐ **No** **If no**, state exceptions:
13.	Have all persons named in this application been fingerprinted? ☑ **Yes** ☐ **No** Fingerprinted by: B. Tynan #353 Date: 08/31/2020
14.	Other necessary data:

MRASL-1 OP ID: CW

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 08/21/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Buttrey-Wulff-Mamminga Agency
355 First St. PO Box 580
Batavia, IL 60510
John J. Wulff

Phone: 630-879-0111
Fax: 630-879-0216

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Illinois Casualty Company	15571
INSURER B : The Hartford	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
ANB Liquor LLC dba
Mr A's Arbor Liquor;
Mr A's Prairie Liquor and Wine
30W001 Dean Court
Wayne, IL 60184

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
	GENERAL LIABILITY						EACH OCCURRENCE	$	1,000,000
A	X COMMERCIAL GENERAL LIABILITY			BP34948	05/01/2020	05/01/2021	DAMAGE TO RENTED PREMISES (Ea occurrence)	$	300,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$	2,000
							PERSONAL & ADV INJURY	$	1,000,000
							GENERAL AGGREGATE	$	2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$	2,000,000
								$	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$	
A	ANY AUTO			BP34948	05/01/2020	05/01/2021	BODILY INJURY (Per person)	$	25,000
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$	50,000
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$	
								$	
	X UMBRELLA LIAB / X OCCUR						EACH OCCURRENCE	$	1,000,000
A	EXCESS LIAB / CLAIMS-MADE			UL14999	05/01/2020	05/01/2021	AGGREGATE	$	1,000,000
	DED X RETENTION $ 10000							$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						X WC STATU-TORY LIMITS / OTH-ER		
B	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N Y (Mandatory in NH)	N/A		83WECCD9299	05/01/2020	05/01/2021	E.L. EACH ACCIDENT	$	500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$	500,000
							E.L. DISEASE - POLICY LIMIT	$	500,000
A	Liquor Liability			LL96660	05/01/2020	05/01/2021			1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Covered Location: 1401 Prairie St, St Charles, IL 60174

CERTIFICATE HOLDER STCHA-1

City of St. Charles
2 East Main Street
St. Charles, IL 60174

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Illinois BASSET

SELLER / SERVER CERTIFICATION

Trainee Name: Ankur Patel

Certificate #: 000017829857

Date of Completion: 08/19/2020

School Name:
360training.com dba Learn2Serve

I, _____
certify that the above named person successfully completed an approved Learn2Serve Seller/Server course.

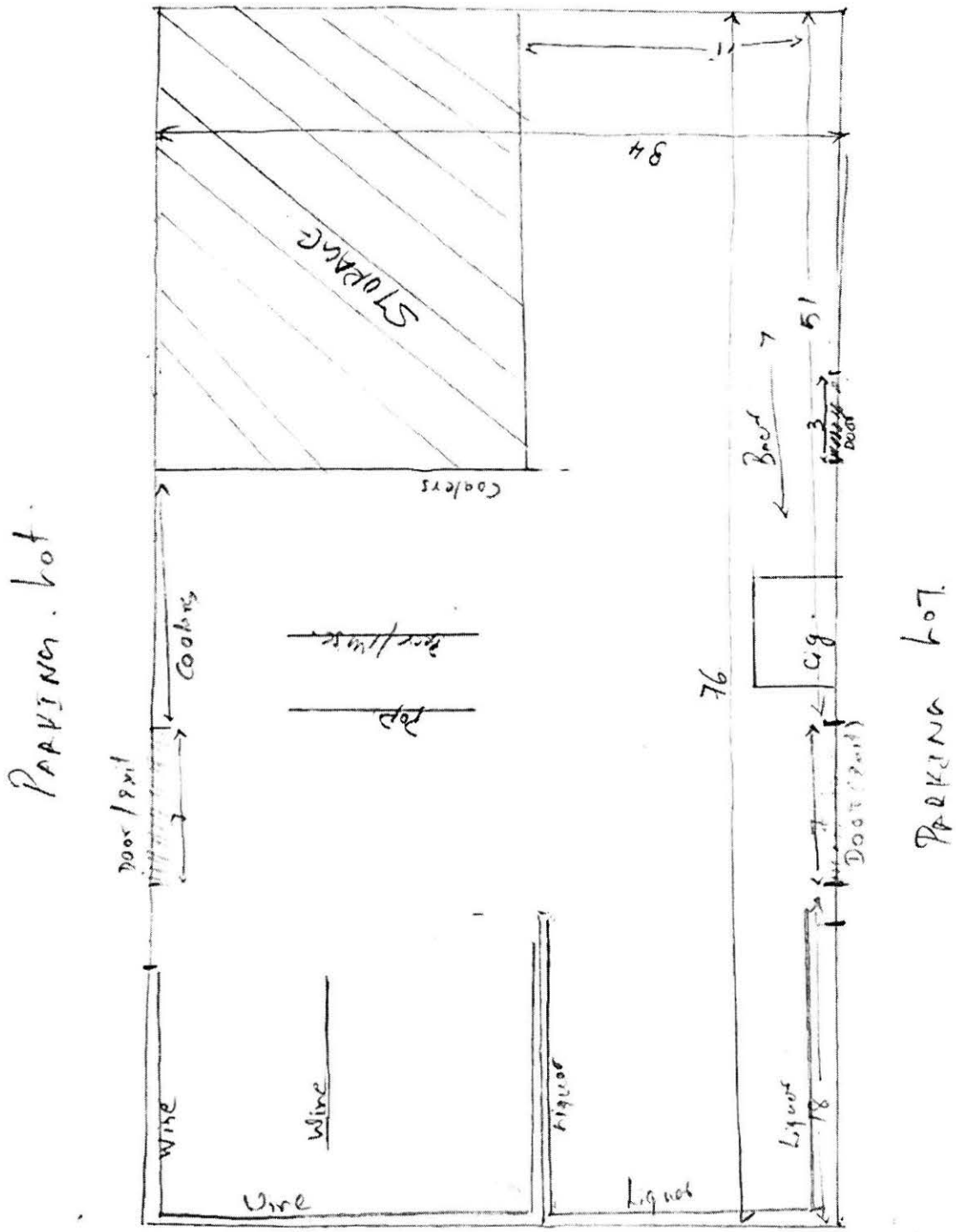
This course provides necessary knowledge and techniques for the responsible serving of alcohol.

This is your temporary certificate of completion. You will receive your official card in the mail. Please forward all questions to support@360training.com.

learn2 serve

Corporate Headquarters
6801 N. Capital of Texas Hwy, Bldg 1,
Suite 250, Austin, TX 78731
Phone: 877.881.2235

ONE STOP LIQUOR. - SITE PLAN.



* numbers in feet

Mr A's Prairie Liquor and Wine
BUSINESS PLAN

Prepared by:

Minal Patel

1401 Prairie Street
St Charles, Illinois 60174
6304439390
mr.a.liquor@gmail.com

I. EXECUTIVE SUMMARY

Mr A's Prairie Liquor and Wine (referred to from hereon in as the "Company")is intended to be established as a Limited Liability Company at 1401 Prairie Street, St Charles, Illinois 60174 with the expectation of rapid expansion in the retail wine and liquor industry.

Business Description

The Company shall be formed as Limited Liability Company under Illinois state laws and headed by Minal Patel.

The Company will employ 2 full-time employees and 1 part-time employees.

Product

The Company's primary product will be retail liquor and wine: Provide high end spirits, wine and craft beers to the local community. We are a one stop shop and hope to provide the customers a nice clean friendly environment.

We would like to be involved in local community events and sponsorships. Knowing our customers and the community is very important to us as a family owned organization.

II. BUSINESS SUMMARY

Industry Overview

In the United States, the retail wine and liquor industry presently makes 450 dollars in sales.

Liquor sales are up due to Covid 19 and people are staying home more and more. This should help us grow our business.

Research shows that consumers in this industry primarily focus on the following factors when making purchasing decisions:
to help service and cater to the local people of St Charles and become an active member of the chamber of commerce as well.

Business Goals and Objectives

Short Term:
Clean up and re organize the location. Expand hours within the limits of the city laws.

Long Term:
build a clientele that appreciates our selection and cater to the local community.

Legal Issues

The Company affirms that its promoters have acquired all legally required trademarks and patents.

III. MARKETING SUMMARY

Target Markets

The Company's major target markets are as follows:

local community of St Charles.

The estimated number of potential clients within the Company's geographic scope is 3,000.

Pricing Strategy

The Company has completed a thorough analysis of its competitors' pricing. Keeping in mind our competition's pricing and the costs of customer acquisition, we have decided on the following pricing strategy:

we would like to be competitive to help unite us with the community around us.

Services

First-rate service is intended to be the focus of the Company and a cornerstone of the brand's success. All clients will receive conscientious, one-on-one, timely service in all capacities, be they transactions, conflicts or complaints. This is expected to create a loyal brand following and return business.

IV. FINANCIAL PLAN

12-Month Profit and Loss Projection

Monthly expense for salaries and overhead (projected):	$30,000.00
Revenue and sales for first year of business (projected):	$650,000.00
Gross profit for first year of business (projected):	$110,000.00

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