



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion regarding Ordinance Amending Title 5, “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Section 5.08.130C “License- Hours of Sales” of the St. Charles Municipal Code
Presenter:	Chief Lamkin September 2012

*Please check appropriate box:*

	Government Operations	X	Government Services 09.24.12
	Planning & Development		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

At the September 4<sup>th</sup> City Council meeting, an ordinance was presented to modify the permitted service hours for many Class B and C license holders. In response to a request from the license holders, the City Council directed city officials to meet and confer with the license holders to determine if there were steps that could be taken to improve the quality of the city’s downtown and minimize negative incidents.

City officials and license holders met on Wednesday, September 12, 2012. The purpose of this meeting was to discuss the issues and present ideas for consideration. The group met again on Friday, September 21, 2012 to further discuss ideas and discuss a proposal from the license holders. The group has reached a mutual agreement regarding ideas that can be put into place.

The cornerstone of the proposal is the establishment of a “Tavern Association” to serve as a conduit between members and the City for the purpose of creating a safe and healthy business climate in the downtown. Attached is a document proposing a list of additional ideas. In addition to this list, amendments will be made to City ordinance to increase the fines for public intoxication and urination, and fighting.

Attachments: *(please list)*

Tavern Association document  
List of members

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

The Police Department recommends the proposed ordinance regarding closing time be tabled for 90 days in order to give time for the agreed upon ideas to be implemented and measure their success.

<i>For office use only:</i>	<i>Agenda Item Number: 4.a</i>
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## PROPOSAL

To: City of St. Charles

From Rosanova & Whitaker, Ltd.

Re: Liquor Ordinance Amendments

Collectively, the St. Charles Tavern owners have deemed necessary the creation of an Association to represent their collective interests. The Tavern Association will be created as a not-for-profit association under state law and will serve as a conduit between Association membership and the City of St. Charles for the purpose of creating a safe and healthy business climate in the City of St. Charles. Preliminary guidelines of the Association include the following:

- a. The Tavern Association shall create a uniform set of guidelines to assist business owners in the management and oversight of their businesses in accord with agreed upon principals of the Tavern Association, the City of St. Charles and the St. Charles Police Department.
- b. Membership in the Tavern Association shall be voluntary, but shall be encouraged by the City of St. Charles, through enforcement of its liquor ordinance, for all Class – and – liquor license holders with a 2am closing time.
- c. Members shall pay annual dues in support of Association activities.
- d. Members shall annually elect officers of the Association. The duties of the officers shall be set forth in the by-laws of the Association. The President of the Association shall act as a primary point of contact between Association membership and the City (Liquor Commissioner, City Administrator and the Police Department).
- e. The City and the Association shall establish a regular annual meeting schedule with meetings to occur not less than quarterly. The purpose of the regular meetings shall be the establishment of an open discourse regarding ongoing operational issues specifically including: 1) police calls, 2) maintenance of public property, 3) potential Liquor Code amendments, and 4) education of Association members.
- f. In concert with the City, the Association shall annually publish Association guidelines regarding operation of establishments. The Association guidelines shall include educational materials, a copy of the City's Liquor Code, and unique Association rules. The Association guidelines shall be conspicuously maintained at all time for review and consultation by staff members. The rules shall include guidance on uniform Association policies regarding items such as: 1) a policy regarding the responsible alcohol service (no incentive based sales programs), 2) a policy for monitoring service to patrons, 3) a policy for 3<sup>rd</sup> party (other than a party's individual barter or server) responsibility for monitoring of patrons and the placement of limitation on service (no drinks/no shots), and 4) a policy regarding the thirty minute treatment of an intoxicated person (stop service, offer water, suggest departure, assist with departure, follow-up with police).

- g. The Association shall evaluate reasonable and effective measures to share real-time information amongst establishments through the creation of an email or text message database.
- h. In concert with the Association guidelines, the Association shall publish a basic set of rules to be posted at primary entrances to each member establishment. The rules shall include: 1) 1:20 last call (maximum 1 drink per patron), 2) No re-entry after 1:20, 3) 1:40 last drink served, 4) Strict 2:00 closing time, 5) No fighting policy, 6) Fighting is punishable by **\$500** City Ordinance violation and **permanent ban** from entry to all Tavern Association establishments.
- i. The Association and individual members shall each establish a "Banned List" in consultation and cooperation with the St. Charles Police Department. An Association member may permanently ban a patron from their establishment as they deem fit. All banned patrons shall be reported to the Association for central management of a Tavern Association "Banned List." An individual being banned from a single member establishment may not result in that individual being banned from all member establishments, but an individual banned from three member establishments shall dictate that said individual shall be banned from all member establishments. The Banned List shall be enforced by the St. Charles Police Department through the issuance of a ticket for Criminal Trespass upon an appropriate request of an Association Member.
- j. The Association shall provide all member establishments with information regarding the benefits of background checks for employees. The police department shall, at no cost to an Association member, provide a St. Charles records check.
- k. The Association shall establish a strict education policy. All employees (bartenders, servers, managers, owners and security) shall be Bassett trained. Bassett certification shall be good for 2 years (State law is 4 years). Annually, all employees shall participate in a minimum 1 hour educational class through the Association and the St. Charles Police Department. Owners and managers shall be responsible for employee attendance and completion of educational requirements and shall maintain records of same. No employee may commence work at an establishment prior their review of the Association guidelines and signature of documentation certifying same. All employees shall complete their educational requirements within 60 days of commencing work. No new Tavern shall open prior to completion of the educational requirements.
- l. The Tavern Association, through its officers, shall enforce Association policies. Violation of an Association policy shall be punishable by \$100 fine for each offense. The Association officers shall regularly review fine issuances and shall, in its reasonable discretion, terminate membership in the Association or consult with the City regarding ordinance violations as it deems necessary to maintain the reputation and integrity of the Association and its members.
- m. All Association members shall obtain a unique hand stamp and shall stamp all patrons entering the establishment after the hour of 9:00 pm.
- n. The Association members shall strictly comply with the Liquor Ordinance and other City rules and regulations specifically including occupancy limits.

- o. The City should encourage membership in the Tavern Association through enforcement of its liquor ordinance.

List of participating establishments as of 9/21/2012:

The House Pub

Second Street Tavern

Dawn's Beach Hut

Filling Station

Pub 222

Ray's Evergreen

Beehive

River Rock House

East Side Pub

Alley 64

White Stag