



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion of Liquor License questions from March Government Services Committee and recommendation to provide direction to the City Administrator, Chief of Police, and City Attorney.
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Presenter:	Chief Lamkin
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*Please check appropriate box:*

	Government Operations	X	Government Services 4.22.13
	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:**

A presentation was made at the March Government Services Committee on the status of the Tavern Association as well as statistical data that had been compiled since September of 2012. At the March meeting, staff was directed to research several questions, including consultation with the City Attorney. The items addressed are as follows:

1. Interest in greater distinction between restaurant/tavern and tavern only licenses with specific closing times for each.
2. Interest in establishing a 3-7 member liquor control commission vs. a sole commissioner. Suggested that the Mayor and one Alderman serve with one or more members from the community.
3. Interest in establishing a "late service permit" allowing establishments to serve liquor until 2:00 a.m.
4. Interest in granting a short-term extension to the 2012-13 licenses to allow for continued discussion, review, and final action by Council.
5. Interest in providing more stringent training/education requirements for managers and wait staff to help curb over service/consumption problems.
6. Determine the ability to establish higher fines for unlawful behavior (e.g. fighting, public intoxication, etc.).

The attached matrix provides an overview on existing licenses, a review of answers to the questions, and the licenses issued presently for continuing the discussion.

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

Issues and Analysis matrix; License class descriptions matrix; Lists of current license holders; Ordinance 2012-M-30

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

Discussion of Liquor License questions from March Government Services Committee and recommendation to provide direction to the City Administrator, Chief of Police, and City Attorney.

<i>For office use only:</i>	<i>Agenda Item Number:</i> 5.d
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Item:		Comments/Analysis:
<p>Establishing greater distinction between restaurant/tavern and tavern only with specific closing hours to be established for each.</p>		<p>This can be completed, upon approval of the required ordinance.</p> <p>Please recall that the City Council approved an ordinance on June 4, 2012 to better differentiate restaurants, restaurants/taverns, and taverns. Please see attached matrix for a summary of the current license classes.</p> <p>There was a proposal to require restaurants and restaurant/taverns to serve the full menu of food items for all hours of operation. As a result of feedback from some establishments, the ordinance was modified to require restaurants to serve the full menu until closing time (11:59 pm). Furthermore, restaurants/taverns are required to serve the full menu until 11 pm. After 11 pm, a limited menu may be offered.</p> <p>Another possible idea is to require a certain percentage of revenue to be from food/non-alcoholic beverage sales. The City would need to determine what the percentage standard will be and how such a standard would be monitored and enforced.</p> <p>Another idea is to strictly limit bar-type seating or service at restaurants and restaurant/taverns.</p>

<p>Interest in establishing a 3-7 member liquor control commission vs. a sole liquor commissioner. Suggested that the Mayor and 1 Aldermen serve on the commission with 1 or more members of the community.</p>	<p>This can be completed, upon approval of the required ordinance.</p> <p>Under most community approaches, the members are from the community, nominated by the Mayor, and approved by the City Council. In some communities the Mayor and Council serve as the Liquor Commission.</p> <p>The commission can begin serving when it has been established.</p> <p>The Council will need to determine if the commission will only adjudicate violations of the liquor ordinance, or if additional authority will be granted. This may include making recommendations on changes to the liquor code, providing a recommendation on applications for new licenses, etc.</p>
<p>Interest in establishing a "late-service permit" that would allow establishments to serve liquor until 2 am. That permit would be subject to annual review, based on the establishment's compliance with liquor laws and other laws of the city, subject to the due process requirements noted in the Comments/Analysis discussion.</p>	<p>This can be completed, upon approval of the required ordinance.</p> <p>The City will need to determine how many late-service permits will be issued and if all existing 2 a.m. establishments will be permitted to receive a permit.</p> <p>From a legal standpoint, the late-service permit is treated similarly to a liquor license in that it can only be repealed or not renewed for cause and after due process.</p> <p>While the "late-service permit" would allow discipline related to the later hours without affecting the underlying license, the necessary due process requirements noted above may not give the City as much discretion as it would like.</p>

<p>Interest in granting a short-term extension to the 2012-13 licenses (e.g. 30-90 days) to allow for continued discussion, review, and final action by the Council.</p>	<p>This can be completed, upon approval of the required ordinance.</p> <p>While some licenses have already been renewed for the 2013-14 license year, including the payment of the required fee and issuance of the license, changes can be made and implemented during the licensing period.</p> <p>Certain administrative tasks related to the changes will be completed by staff, upon issuance of the new licenses and completion of a true-up of payments made for licenses.</p>
<p>More stringent training/education requirements for managers/staff/waitpersons that can be established to curb over-service or over-consumption</p>	<p>This can be completed.</p> <p>The Police Department is currently reviewing potential program options. Staff will need to specify the program and the compliance requirements for establishment owners, managers, and staff. Then, an ordinance will need to be approved to implement the mandate. This program would require approval from the Illinois Liquor Control Commission.</p>
<p>Establish higher fines for patrons that engage in unlawful behavior (e.g. public intoxication, etc.</p>	<p>This can be completed, upon approval of the required ordinance. \$750 is the maximum fine for a local ordinance violation. Staff is reviewing the various violations that may warrant an increase in the fine and the merits of increasing fines for those violations.</p>

Description of License Classes

License Class	All alcohol may be served	Only beer & wine may be served	Service must terminate at 11:59 PM	Service must terminate at 1:59 AM	Full menu available at all times	Counter service of food	Limited menu may be offered	Packaged wine may be sold	Live entertainment may be offered
B-1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
B-2	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> (after 11 pm)		
B-3	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> (after 11 pm)		<input checked="" type="checkbox"/>
B-4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
B-5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
B-6	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> (after 11 pm)	<input checked="" type="checkbox"/>	
C-1	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
C-2	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
C-3		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
C-4	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Class "B" Predominately Food (50 of 50) Fee - \$1200 - \$2600

BusinessName	Class	Address	City	State	ZipCode	Phone
Charlie Fox's Pizzeria & Eatery LLC	B1	3341 W Main St Ste 7	St Charles	IL	60175	630 443 8888
Colonial Café & Ice Cream East	B1	1625 E Main St	St Charles	IL	60174	630 584 4647
Colonial Café & Ice Cream West	B1	552 S Randall Rd	St Charles	IL	60174	630 443 8338
Corfu Restaurant	B1	2520 E Main St	St Charles	IL	60174	630 584 1099
Gina's Subs & Pizza Inc	B1	2770 E Main St	St Charles	IL	60174	630 377 3220
House of Tokyo	B1	2762 E Main St	St Charles	IL	60174	630 587 8711
Isacco Kitchen	B1	210 Cedar Street	St Charles	IL	60174	630 444 0202
Lin's Garden Restaurant	B1	2400 E Main St	St Charles	IL	60174	630 513 6060
Los Burritos Mexicanos No 3 Inc	B1	2125 W Main St	St Charles	IL	60174	630 584 9610
Poblano Pepper Grill Inc	B1	3677 E Main St	St Charles	IL	60174	630 244 9817
Silver Lake Restaurant	B1	518 Kirk Rd	St Charles	IL	60174	630 587 1888
Sushi Yama	B1	2400 E Main St	St Charles	IL	60174	630 443 8890
Szechwan Garden St. Charles	B1	117 W Main St	St Charles	IL	60174	630 513 1889
Thai Zie Restaurant	B1	11 N 3rd St	St Charles	IL	60174	630 444 1690
Dawn's Beach Hut	B2	8 N Third St	St Charles	IL	60174	630 513 0204
Chipotle Mexican Grill	B2	3821 E Main St	St Charles	IL	60174	630 587 9033
Chili's Grill & Bar	B2	3795 E Main St	St Charles	IL	60174	630 584 8013
El Puente Restaurant	B2	112 E Main St	St Charles	IL	60174	630 377 8884
Gabby's Kitchen Inc	B2	1650 W Main St	St Charles	IL	60174	630 549 0656
Gino's East	B2	1590 E Main St	St Charles	IL	60174	630 513 1311
Giordano's Restaurant & Pizza	B2	3641 E Main St	St Charles	IL	60174	630 762 1600
Kane County Rookies	B2	1545 W Main St	St Charles	IL	60174	630 513 0681
Mr. Samari	B2	558 Randall Rd	St Charles	IL	60174	630 762 8500
Nuova Italia West Corp	B2	18 N 4th St	St Charles	IL	60174	630 584 4040
Odyssey II Inc	B2	3755 E Main St	St Charles	IL	60174	630 443 6600

Olive Garden	B2	3785 E Main St	St Charles	IL	60174	630 443 1122
On the Border Restaurant	B2	3050 E Main St	St Charles	IL	60174	630 443 7848
Salerno & Sons Inc	B2	320 N 2nd Street	St Charles	IL	60174	630 584 7900
Spotted Fox Alehouse	B2	3615 E Main St	St Charles	IL	60174	630 584 2239
St Charles Place	B2	2550 E Main St	St Charles	IL	60174	630 377 3333
Tap House Grill	B2	3341 W Main St Ste 7	St Charles	IL	60175	630 443 1664
Taste of Himalayas Restaurant & Bar	B2	110 N 3rd St	St Charles	IL	60174	630 444 1575
Trattoria ZaZa's	B2	5 S 1st St	St Charles	IL	60174	630 443 9304
Vino Thai	B2	3825 E Main St	St Charles	IL	60174	630 443 8461
White Stag Tavern	B2	1307 E Main St	St Charles	IL	60174	630 444 3570
Wild Monk	B2	51 S 1st Street	St Charles	IL	60174	630 549 6557
Alibi Bar & Grill	B3	12 N 3rd Street	St Charles	IL	60174	630205 5637
Alley 64	B3	212 W Main St	St Charles	IL	60174	630 513 6464
The Beehive Tavern	B3	204 W Main St	St Charles	IL	60174	630 584 0800
The Filling Station	B3	300 W Main St	St Charles	IL	60174	630 584 4414
McNally's Irish Pub	B3	109 W Main St	St Charles	IL	60174	630 513 6300
Ray's Evergreen	B3	1400 W Main St	St Charles	IL	60174	630 584 3535
River Rockhouse	B3	106 S Riverside Ave	St Charles	IL	60174	630 513 0074
TGIF	B3	3875 E Main St	St Charles	IL	60174	630 443 6528
The Office	B3	201 E Main St	St Charles	IL	60174	630 549 0287
Wok N Fire St. Charles	B3	181 S 1st St	St Charles	IL	60174	630 444 3580
Portillo's Hot Dogs Inc	B4	3895 E Main St	St Charles	IL	60174	630 762 8484
Town House Books & Café	B4	105 N 2nd Ave	St Charles	IL	60174	630 584 8603
Francesca's by the River	B6	200 S Second St	St Charles	IL	60174	630 587 8221
Pizzeria Neo	B6	31 S 1st St	St Charles	IL	60174	630 377 8700

Class "C" Predominately Liquor (6 of 6) Fee - \$1200 - \$2600

BusinessName	Liquor Class	Address	City	State	ZipCode	Phone
St. Charles Bowl	C1	2520 W Main St	St Charles	IL	60174	630 584 9400
East Side Pub & Grill	C2	2400 E Main St	St Charles	IL	60174	630 377 7655
Pub 222 Inc	C2	222 W Main St	St Charles	IL	60174	630 377 4222
Second Street Bar & Grill	C2	221 S Second St	St Charles	IL	60174	630 443 8325
The House Pub	C2	16 S Riverside Ave	St Charles	IL	60174	630 945 3479
Thirsty Fox Pub	C2	104 E Main St	St Charles	IL	60174	630 377 6634



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve ordinance modifying various provisions of Section 5.08 of the City of St. Charles Municipal Code – Alcoholic Beverages
Presenter:	Brian Townsend

*Please check appropriate box:*

<input type="checkbox"/>	Government Operations (5/21/12)	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

**Executive Summary:**

On February 6<sup>th</sup>, the Government Operations Committee unanimously endorsed several changes to Section 5.08 of the City Code (Alcoholic Beverages). The most significant change proposed was to modify the license classes to better define the various types of establishments that serve alcohol beverages – (1) Restaurant, (2) Restaurant/Tavern, and (3) Tavern/Bar. In addition, the hours of operation were modified, depending on the type of establishment. A holder of a Restaurant class-license will be required to terminate liquor service at 11:59 pm. A holder of a Restaurant/Tavern class-license or a Tavern/Bar class-license will be required to terminate liquor service at 1:59 am.

As a result of feedback from some license holders, a change to the proposal is being submitted to maintain the provision of the current ordinance to allow Restaurant/Tavern class license holders to provide a limited food menu after 11 pm. This will address concerns about incurring the costs associated with offering the full menu for all hours of operation. This is what is permitted under the ordinance today.

In addition, the A-3 license classification for package sales is being proposed for elimination. There is only 1 such license holder now (Blue Goose Market) and that establishment would like to convert to an A-2 license, which will permit the sale of all types of alcoholic beverages, rather than being limited to the sale of “domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises.”

This matter was referred to the Government Operations Committee by the City Council at its May 7<sup>th</sup> meeting.

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

- List summarizing proposed changes.
- Description of License Classes
- Revised ordinance amending Section 5.08 of City Code.

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

Recommend that the City Council approve an Ordinance Amending Title 5, Chapter 5.08, of the St. Charles Municipal Code.

*For office use only:*

*Agenda Item Number:* 6b

Proposed changes to Section 5.08 of City Code:

1. Create new license (similar to A-1 class) that authorizes 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 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. Fee to remain the same as A-1 class.
2. Prohibit the operation of any "teen club" or "teen dance club" in any liquor license establishment.
3. Modify Class E-1 license to allow private, for-profit establishments to apply/hold license.
4. Modify Class E-2 license language to indicate that "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."
5. Eliminate the Class A-3 license class that authorizes the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises.
6. For "Restaurant" licensed under B-1, B-4, and B-5 classes, establishment must terminate alcohol service no later than 11:59 pm. Also, require that establishment operate the full kitchen and provide the full menu of items to patrons for hours that alcohol is served.
7. For "Restaurant and Tavern" licensed under B-2, B-3, and B-6, alcohol may be served until 2 am. Establishment must operate the kitchen and provide the full menu of items to patrons until 11 pm. After 11 pm, a limited menu may be offered.
8. For all Class B licensed establishments, a "Holding Bar" is permitted, provided that it shall not exceed 20% of the total number of seats in the establishment.
9. For all Class C licensed establishments, food/menu items shall be available at all times liquor sales are being conducted. 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.
10. Add ability for Liquor Commissioner to impose fee, in addition to penalties, for failure to provide evidence of current dram shop insurance coverage in accordance with 5.08.060.

11. Eliminate additional hour of service on New Year's Eve that allows establishments to stay open until 3 am.

12. Change fee structure as follows:

<b>Class</b>	<b>Current Fee</b>	<b>New Fee</b>
B-1	\$2,400/\$1,200	SAME
B-2	\$3,200/\$1,600	SAME
B-3	\$5,200/\$2,600	SAME
B-4	\$2,400/\$1,200	SAME
B-5	\$2,400/\$1,200	SAME
B-6	\$3,400/\$1,800	\$3,600/\$1,800
C-1	\$3,200/\$1,600	\$4,000/\$2,000
C-2	\$5,200/\$2,600	\$6,000/\$3,000
C-3	\$3,200/\$1,600	\$4,000/\$2,000
C-4	\$3,400/\$1,800	\$4,400/\$2,200

Description of License Classes

License Class	All alcohol may be served	Only beer & wine may be served	Service must terminate at 11:59 PM	Service must terminate at 1:59 AM	Full menu available at all times	Counter service of food	Limited menu may be offered	Packaged wine may be sold	Live entertainment may be offered
B-1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
B-2	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> (after 11 pm)		
B-3	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> (after 11 pm)		<input checked="" type="checkbox"/>
B-4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
B-5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
B-6				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> (after 11 pm)	<input checked="" type="checkbox"/>	
C-1	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
C-2	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
C-3		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
C-4	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

#4

**City of St. Charles, Illinois**

**Ordinance No. 2012-M-30**

**Ordinance Amending Title 5 "Business License and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code - Various**

**Adopted by the  
City Council  
of the  
City of St. Charles  
June 4, 2012**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, June 8, 2012**

*Nancy Garrison*  
\_\_\_\_\_  
City Clerk



06/08/12  
Campbell Dorn

06/08/12

**City of St. Charles, Illinois**  
**Ordinance No. 2012-M-30**

**An Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages” of the St. Charles Municipal Code – Various Provisions**

**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, “Definitions”, of the St. Charles Municipal Code, be and the same is hereby amended by amending the definition for the term “Restaurant”, to read as follows:

...“K. “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.”...

**SECTION TWO:** That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.010, “Definitions”, of the St. Charles Municipal Code, be and the same is hereby amended by deleting the definition for the term “Tavern, Bar or Saloon” in its entirety, and in lieu thereof the new definition shall be inserted:

...“Q. “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.”...

**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 the same is hereby amended by adding thereto the following additional language:

... “Every licensee shall be required to provide the Local Liquor Commissioner with a copy of each renewal/new policy of dram shop insurance when directed to do so and in accordance with written notice from the Local Liquor Control Commissioner’s office.

Any licensee failing to file a copy of the renewal/new policy of dram shop insurance pursuant to such written notice, or prior to the deadline set forth in said written notice, shall pay a late filing fee in the amount of \$50.00. Further, said licensee shall be subject to a fine, 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 5.08.090(A), “License – Classifications; Class A – Packaged Alcoholic Liquor Licenses”, of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto a new Class A-2B license as follows:

... “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.”...

**SECTION FIVE:** That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.090(A), “License – Classifications; Class A- Packaged Alcoholic Liquor Licenses”, of the St. Charles Municipal Code, be and the same is hereby amended by deleting the Class A-3 license in its entirety.

**SECTION SIX:** That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.090(E), “License – Classifications; Class E – Temporary Licenses”, of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety, and in lieu thereof the following language shall be substituted:

**“E. 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 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 12:00a.m. Friday before Columbus Day and ending 12:00a.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 12:00a.m. Friday before Columbus Day and ending 12:00a.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. The Class E-3 license shall be issued solely to the Kane County Fair Board for the conduct of the annual Kane County Fair during July of each year. The Class E-3 license shall be valid only for the scheduled dates of the Kane County Fair as determined by the Local Liquor Control Commissioner.
- 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, 1<sup>st</sup> 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 license year at a specific premises. Such license shall be issued solely for a 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.

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.

The Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner and City Council deem necessary. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, permit entertainment as specifically authorized with the issuance of any Class E license.”

**SECTION SEVEN:** That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.100(A), "License Fees; Fees Established", of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety, and in lieu thereof the following language shall be substituted:

**"A. Fees Established.** The fees for the various classes of local liquor licenses authorized in this chapter shall be as follows:

<u>Class License</u>	<u>Initial License Fee</u>	<u>Annual Renewal Fee</u>
A-1	\$3,200.00	\$1,600.00
A-2	3,200.00	1,600.00
A-2B	3,200.00	1,600.00
A-4	3,200.00	1,600.00
A-5	3,400.00	1,800.00
B-1	2,400.00	1,200.00
B-2	3,200.00	1,600.00
B-3	5,200.00	2,600.00 (live entertainment may be permitted)
B-4	2,400.00	1,200.00
B-5	2,400.00	1,200.00
B-6	3,600.00	1,800.00
C-1	4,000.00	2,000.00
C-2	6,000.00	3,000.00 (live entertainment may be permitted)
C-3	4,000.00	2,000.00
C-4	4,400.00	2,200.00
D-1	8,000.00	4,000.00
D-2	4,000.00	2,000.00
D-3	4,000.00	2,000.00
D-4	2,000.00	1,000.00
D-5	4,000.00	2,000.00
D-6	4,000.00	2,000.00
E-1	50.00	50.00
E-2	100.00	100.00
E-3	50.00	50.00
E-4	100.00	100.00
E-5	500.00	500.00

**SECTION EIGHT:** 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 the same is hereby deleted in its entirety and in lieu thereof the following language shall be substituted:

**"5.08.130 License – Hours of Sale.**

- A. It shall be unlawful for any person holding a Class A-1, A-2, A-2B, A-4 or A-5 license issued pursuant to this chapter to sell, offer for sale or to give away, in

- or upon any licensed premises any alcoholic liquor prior to the hour of 7:00 a.m. and after the hour of 10:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and prior to the hour of 10:00 a.m. and after the hour of 10:00 p.m. on Sunday except where December 24 or December 31 occurs on a Sunday, then alcoholic liquor sales shall be unlawful prior to the hour of 8:00 a.m. and after the hour of 10:00 p.m.
- B. It shall be unlawful for any person holding a Class B-1, B-4 and B-5 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 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 12:00 midnight and 10:00 a.m. on Sunday.
  - C. It shall be unlawful for any person holding a Class B-2, B-3, B-6, C-1, C-2, C-3 or C-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 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday.
  - D. 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. on Saturday; and between the hours of 3:00 a.m. and 10:00 a.m. on Sunday.
  - E. It shall be unlawful for any person holding a Class D-2, D-4, D-5 or D-6 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 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
  - F. It shall be unlawful for any person holding a Class D-3 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, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday.
  - G. It shall be unlawful for any person holding a Class E-1 or E-3 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 11:00 p.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, except as otherwise authorized by the City Council.
  - H. It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
  - I. 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.”

**SECTION NINE:** 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 the same is hereby amended by adding thereto new Sections 5.08.250(V) and 5.08.250(W) as follows:

“V. Teen Club/Teen Dance Club Prohibited.

It is unlawful to permit or operate a teen club/teen dance club at any time on any premises licensed to sell alcoholic liquor. For purposes of this subsection V, a teen club/teen dance club is defined as follows:

Any premises open to the public, all or any constituent part of which is restricted to the admission of, and which caters and/or is promoted to, patrons between the ages of thirteen (13) and twenty (20), inclusive, irrespective of whether admission is with or without an admission fee or charge, where patrons enjoy dancing, live and recorded music and entertainment, video or arcade games or other games or devices related to amusement or entertainment, or where videotape presentations are shown. "Teen Club/Teen Dance Club" does not include places operated by government entities, schools, religious institutions or any other non-commercial organization which might occasionally host or sponsor entertainment or activities for teen-agers incidental to the organization's principle purpose.

W. 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 or having its license suspended or revoked.

**THERE IS A ZERO TOLERANCE POLICY. THE CITATION SHALL BE PROSECUTED TO ITS CONCLUSION, REGARDLESS OF WHETHER THE PAYMENT IS SUBSEQUENTLY MADE AFTER THE DUE DATE.”**

**SECTION TEN:** That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.260, “Regulations Applicable to Certain

Licenses Only”, of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto a new Section 5.08.260(F) as follows:

“F. Class B Licenses – Holding Bar.

Class B licensed premises are permitted to have a holding bar on said premises, provided that said holding bar shall not contain seating in excess of 20% of the total number of seats approved for said premises.”

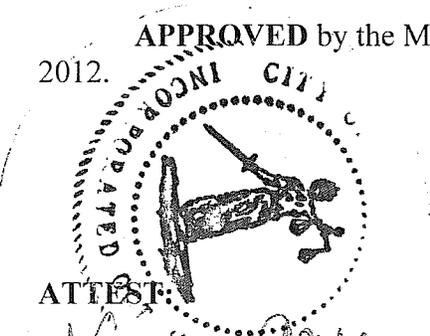
**SECTION ELEVEN:** That after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form pursuant to the authority of the City Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

**SECTION TWELVE:** 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 4<sup>th</sup> day of June 2012.

**PASSED** by the City Council of the City of St. Charles, Illinois this 4<sup>th</sup> day of June 2012.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 4<sup>th</sup> day of June 2012.



*Donald P. DeWitte*  
Donald P. DeWitte, Mayor

ATTEST:

*Nancy Garrison*  
Nancy Garrison  
City Clerk

**COUNCIL VOTE:**

Ayes : 8  
Nays : 1  
Absent : 1

**APPROVED AS TO FORM:**

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City Attorney

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

State of Illinois )  
 )  
Counties of Kane and DuPage ) ss.

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

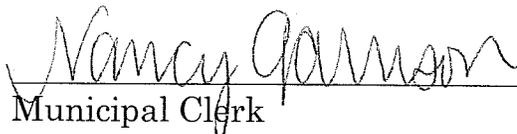
I further certify that on June 4, 2012, the Corporate Authorities of such municipality passed and approved Ordinance No. 2012-M-30, entitled

"Ordinance Amending Title 5 "Business License and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code – Various,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2012-M-30, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 8, 2012, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 4th day of June 2012.

  
Municipal Clerk

