ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion Regarding Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code
Presenter:	Mayor Rogina

Please check appropriate box:

	Government Operations		Government Services
	Planning & Development		City Council
	Public Hearing	X	Liquor Control Commission (1/21/14)

Estimated Cost:		Budgeted:	YES		NO	

If NO, please explain how item will be funded:

Executive Summary:

Final discussion of the Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" on the changes to fees and late night permits.

Attachments: *(please list)*

Ordinance

Recommendation / Suggested Action *(briefly explain)*:

Discussion regarding Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code.

For office use only:	*Agenda Item Number:* 4

City of St. Charles, Illinois
Ordinance No. 2014-M-____

An Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.070 "License – Application Requirements," Section 5.08.095 "Late Night Permit," Section 5.08.100 "License Fees; Late Fee Permits; Fees Established," and Section 5.08.130 "License – Hours of Sale," of the St. Charles Municipal Code

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: That Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.070 "License – Application Requirements," of the St. Charles Municipal Code, be and is hereby amended as follows:

"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 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."

SECTION TWO: That Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," of the St. Charles Municipal Code, shall be amended by adding Section 5.08.095 "Late Night Permit," as follows:

"5.08.095 Late Night Permit

A. The late night permit is issued as a condition of a Class B-Restaurant License and Class C-Tavern; Bar; Saloon Licenses and authorizes the holder of a Class B or Class C license to apply for either a 1:00 am or 2:00 am late night permit. The City Council may modify the number of Late Night Permits upon the application, revocation, surrender, expiration without renewal or abandonment of a Class B, Class C or Late Night Permit.

B. The City Council may, but is not limited to, consider the following criteria in reviewing and recommending the issuance of the **late night permit** to the Liquor Control Commissioner:
   1. The surrounding land uses,
   2. The business concept,
   3. The proximity to other liquor establishments,
   4. The applicants prior business experience,
   5. The public's health, safety and welfare,
   6. Public Safety resources,
   7. Market conditions
   8. Any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.

C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a **late night permit**, they are

required to specify whether they are applying for the 1:00 am or the 2:00 am permit. In addition any new or renewal applications shall include a current business concept outlining the operations intended during the **late night permit** term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or **late night permit** application may result in a delay in issuing said license and permit by May 1 of that year.

D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:

1. Chief of Police
2. Fire Department
3. Finance Department
4. Community Development Department

E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a recommendation from the Chief of Police on whether the **late night permit** shall be issued and whether a 1:00 am or 2:00 am closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.

F. Any application and recommendation for a new or renewal of a **late night permit,** shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a **late night permit** shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.

G. Any new liquor license application where a new **late night permit** is also applied for, shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.

H. **Notice of Violation Process-Late Night Permit.** If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a **late night permit** and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor licensee with the **late night permit** shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Commissioner, who shall make a final decision on the matter.

I. **Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit.** In the event that a liquor license holder, has applied for or been issued a **late night permit**, and has demonstrated circumstances giving reason to review whether that **late night permit** shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:

1. Finance Department as it relates to unpaid fees, utilities or city taxes;
2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;

4. Police Department related to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
5. Other departments with applicable information.

J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.

K. The Liquor Control Commission may recommend the issuance or denial of a requested **late night permit** for 1:00 am or 2:00 am, or reduction in hours based on cause to the city council for final decision.

L. In the event a late night permit, due to a violation, is revoked or the hour for closing is reduced, there shall be no reimbursement of the later night permit fee".

SECTION THREE: That Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.100 "License Fees; Fees Established," of the St. Charles Municipal Code, be and hereby amended as follows:

"5.08.100 License Fees; Late Fee Permits; Fees Established

A. 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 Sales
A-5	1,800.00	Wine by Glass & Bottle Sales
B-1	1,200.00	Basic Restaurant Liquor License
B-2	1,200.00	B1 plus bar
B-3	1,200.00	B1 plus live entertainment may be permitted
B-4	1,200.00	Beer/Wine Only
B-5	1,200.00	Beer/Wine @ Counter Svc
B-6	1,800.00	Purchase Wine w/Takeout
C-1	1,200.00	Basic Tavern Liquor License
C-2	1,200.00	C1 plus live entertainment may be permitted
C-3	1,200.00	Beer/Wine Only
C-4	1,800.00	Sale of Bottle 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

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 20 events

NOTE: Initial license fee is doubled for all first time Class A, B, C, D license applicant fees.
(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

B. Proration: There shall be no proration of local liquor license fees late night permit fees for any reason. Notwithstanding the foregoing, if an initial license is issued after November 1, the initial license fee shall be one-half (1/2) of the "Initial License Fee" set forth above.

C. Forfeiture of License Fee: Whenever any local liquor license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for said local liquor license".

SECTION FOUR: 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 amended as follows:

"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.
(Ord. 2012-M-30 § 8.)

B. It shall be unlawful for any person holding a Class B-1, B-4, B-5, and C-4 license issued pursuant to this chapter 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 midnight and 10:00 a.m. on Sunday.
(Ord. 2013-M-55 § 1; Ord. 2012-M-30 § 8.)

C. It shall be unlawful for any person holding a Class B-2, B-3, B-6, C-1, C-2, or C-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 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.
(Ord. 2013-M-55 § 2; Ord. 2012-M-30 § 8.)

D. It shall be lawful for any person holding a B-1, B-2, B-3, B-4, B-5, 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 until 2:00 a.m. on January 1.

E. 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.
(Ord. 2012-M-30 § 8.)

F. It shall be unlawful for any person holding a Class D-2, D-4, D-5 or D-6 license issued pursuant to 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 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
(Ord. 2012-M-30 § 8.)

G. 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 am. 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.
(Ord. 2012-M-30 § 8.)

H. 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.
(Ord. 2012-M-30 § 8.)

I. 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.
(Ord. 2012-M-30 § 8.)

J. 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 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 February, 2014.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of February, 2014.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of February, 2014.

_____
Raymond P. Rogina, Mayor

ATTEST:

_____
Nancy Garrison, City Clerk

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