



AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages”, Sections 5.08.090, 5.08.100, 5.08.110, and 5.08.130 of the City of St. Charles Municipal Code (Class E-7 License)

Presenter: Deputy Chief Huffman

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Commission (7/21/14)

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

Executive Summary:

As you are aware, Blue Goose Market has requested consideration for the creation of an E-7 liquor license in order to provide the opportunity to host catered events during in which beer and wine would be served for consumption to patrons. This was initially presented to the Liquor Commission on June 23, 2014, with subsequent direction to staff to proceed with the creation of the ordinance for presentation and consideration.

Please see attached memo.

Attachments: *(please list)*

Memo
Ordinance

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages”, Sections 5.08.090, 5.08.100, 5.08.110, and 5.08.130 of the City of St. Charles Municipal Code (Class E-7 License).

For office use only:

Agenda Item Number: 7

Police Department



Memo

Date: 7/15/2014
To: Liquor Control Commission
From: Deputy Chief Huffman
Re: Recommendation to Approve an Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages", Sections 5.08.090, 5.08.100, 5.08.110 and 5.08.130

The ordinance has been written under St. Charles Municipal Code 5.08.090 /Alcoholic Beverages/License Classifications, and the language is attached in the proposed ordinance. This ordinance has been vetted by St. Charles legal counsel, and the key points are as follows:

- Authorizes the retail sale of beer and wine only, for consumption on the licensed premise.
- Issued only to Class A-2 and A--2B* license holders for special events or catered functions.
- The dispensing of food must predominate the dispensing of beer and/or wine.
- Issuance is at the discretion of the Liquor Commissioner, with advice and consent of City Council.
- No more than four (4) E-7 licenses shall be issued to any one licensee per fiscal year.
- Application for an E-7 license shall be submitted at least 45 days prior to the event.
- Hours of service shall be restricted to the hours of 12:00 p.m. - 9:00 p.m., Monday through Sunday.
- Columbus Day / Scarecrow Festival weekend is not an excluded time period for the issuance of an E-7 license.
- The application fee for an E-7 license is \$100.
- All regulations normally applicable to Class E Temporary Licensing will also apply to E-7 licenses.

The intent of this proposed license is to provide the opportunity for businesses such as Blue Goose Market to promote the sale of products they offer in their stores. For example, the beef distributors for the market would have the opportunity to cater such events, thereby providing patrons with the opportunity to taste the product before they purchase.

The creation of the E-7 license also necessitates a change to Municipal Code Section 5.08.100 "License Fees; Late Night Permits Fees; Fees Established" where the \$100 per application fee is codified; Section 5.08.110 "Number of Licenses"; and Section 5.08.130 "License - Hours of Sale" through the addition of paragraph "L", which defines the hours of service under a Class E-7 license.

*A-2 and A-2B licenses are defined by St. Charles Municipal Code as the retail sale of alcoholic liquors (A-2) or beer and wine (A-2B) in original packages only, and not for consumption on the premises. The primary purpose shall be for retail sales other than the sale of alcoholic liquor or beer and wine, such as a food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet, and provided the square footage devoted to the retail sale of alcoholic liquor is 10% or less of the gross square footage.

The Police Department and City staff recommend the addition of the Class E-7 Liquor License be added to the Title 5 of the City of St. Charles Municipal Code.

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

**An Ordinance Amending Title 5 "Business Licenses and Regulations,"
Chapter 5.08 "Alcoholic Beverages," Section 5.08.090 "License
Classifications" of the St. Charles Municipal Code**

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

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

"5.08.090 License Classifications

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 licensees 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."

SECTION TWO: 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 as follows:

5.08.100 License Fees; Late Night Permit Fees; 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 Service
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 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
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
E-6	100.00 per day	Special Late Night Permit Event
<i>E-7</i>	<i>100.00 per day</i>	<i>Special Events A-2/A-2B licensees</i>

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

(Ord. 2014-M-4 § 3.)

SECTION THREE: That Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.110 “Number of Licenses” of the St. Charles Municipal Code, be and is hereby amended as follows:

5.08.110 Number of Licenses

The number of local liquor licenses shall not exceed the following:

Class License	Maximum Authorized
Class A – Package Liquor	21
A-1	7
A-2	11
A-3	0
A-4	2
A-5	2
Class B – Restaurants	51
B-1	14

B-2	22
B-3	10
B-4	2
B-5	0
B-6	2
Class C – Taverns	6
C-1	1
C-2	5
C-3	0
C-4	0
Class D – Hotels/Banquets	10
D-1	1
D-2	3
D-3	3
D-4	1
D-5	1
D-6	1
E-1	Liquor Control Commissioner’s discretion with advice and consent of City Council
E-2	Liquor Control Commissioner’s discretion with advice and consent of City Council
E-3	Liquor Control Commissioner’s discretion with advice and consent of City Council
E-4	Liquor Control Commissioner’s discretion with advice and consent of City Council
E-5	Liquor Control Commissioner’s discretion with advice and consent of City Council
E-6	Liquor Control Commissioner’s discretion with advice and consent of City Council
<i>E-7</i>	<i>Liquor Control Commissioner’s discretion with advice and consent of City Council</i>

(Ord. 2014-M-5 § 2.)

(Ord. 2013-M-27 § 1; Ord. 2012-M-31 § 1; Ord. 2011-M-37 § 3; Ord. 2010-M-29 § 1; Ord. 2010-M-1 § 1; Ord. 2009-M-66 § 1; Ord. 2009-M-42 § 1; Ord. 2009-M-39 § 2; Ord. 2008-M-65 § 1; Ord. 2008-M-18 § 1; Ord. 2008-M-12 § 1; Ord. 2006-M-23 § 1; Ord. 2004-M-74 § 1; Ord. 2004-M-72 § 1; Ord. 2004-M-60 § 1; Ord. 2004-M-50 § 1; Ord. 2004-M-30 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-89 § 1; Ord. 2003-M-86 § 1; Ord. 2003-M-69 § 1; Ord. 2003-M-57 § 1; Ord. 2003-M-47 § 1; Ord. 2003-M-35 § 1; Ord. 2002-M-89 § 1; Ord. 2002-M-85 § 1; Ord. 2002-M-77 § 1; Ord. 2002-M-23 § 1; Ord. 2001-M-47 § 1; Ord. 2001-M-16 § 1; Ord. 2001-M-1 § 1; Ord. 2000-M-100 § 1; Ord. 2000-M-82 § 1; Ord. 2000-M-78 § 1; Ord. 2000-M-23 § 1; Ord. 1998-M-66 § 1; Ord. 1998-M-45 § 1; Ord. 1997-M-120 § 1; 1997-M-109 § 1; 1997-M-97 § 1; 1997-M-88 § 1; 1997-M-81 § 1; 1997-M-38 § 3; 1997-M-14 § 1; 1997-M-13 § 1; 1996-M-61 § 1; 1996-M-39 § 1; 1995-M-53 § 4; 1995-M-11 § 1; 1993-M-29 § 1; 1992-M-40 § 1; 1992-M-35 § 2; 1991-M-70 § 1; 1991-M-51 § 2; 1991-M-30 § 2; 1991-M-16 § 1; 1991-M-8 § 1; 1991-M-8 §

1; 1990-M-94 § 3; 1990-M-51 § 1; 1989-M-61 § 1; 1989-M-20 § 2; 1988-M-74 § 1; 1984-M-34 § 2; 1984-M-37 § 3; 1982-M-23 § 1; 1982-M-18 § 1; 1981-M-30 § 1; 1981-M-7 § 2; 1980-M-49 § 1; 1979-M-54 § 1(c); 1979-M-14 § 1; 1978-M-36 § 1; 1978-M-11 § 1; 1977-M-41; 1977-M-3; 1976-M-10; 1976-M-9; 1976-M-5: prior code § 24.030.)

SECTION FOUR: That Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.130 “Hours of Sale” of the St. Charles Municipal Code, be and is hereby amended by adding paragraph “L” as follows:

L. It shall be unlawful for any person holding a Class E-7 Temporary License Permit issued pursuant to this chapter to sell, offer for sale, or give away for consumption on the licensed premises any beer or wine between the hours of 9:01 p.m. – 11:59 a.m. on the specified date as stated on approved permit by City Council.

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 _____, 2014.

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

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

Raymond P. Rogina, Mayor

ATTEST:

Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____