

PROVIDING RELIEF RELATED TO EXECUTIVE ORDER 2020-07 BY AMENDING CHAPTER 38 "INTOXICATING LIQUORS" TO ADD A NEW SECTION 38.35 "PROVISIONAL PACKAGE LIQUOR LICENSE" AND AMENDING SECTION 38.08 "TERM OF LICENSES AND LICENSE FEES" OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government that may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, on March 16, 2020, State of Illinois Governor J.B. Pritzker issued Executive Order 2020-07 in response to the COVID-19 pandemic (the "Executive Order"); and

WHEREAS, the Executive Order suspends the on-premises consumption of food and beverages for non-exempt bars, restaurants, and other hospitality businesses until March 30, 2020; and

WHEREAS, the City's corporate authorities find that the Executive Order's suspension of the on-premises consumption of food and beverages for non-exempt bars, restaurants, and other hospitality businesses may likely be extended beyond March 30, 2020; and

WHEREAS, the Executive Order permits non-exempt restaurants to serve food and beverages so that they may be consumed off-premises; and

WHEREAS, the City's Municipal Code (the "Code") does not currently allow for restaurants with liquor licenses to serve alcoholic beverages so that they may be consumed off-premises; and

WHEREAS, the City's corporate authorities desire to aggressively prevent the spread of COVID-19 while also mitigating the economic impact of COVID-19 and the Executive Order upon the City's residents and hospitality industry; and

WHEREAS, the City's corporate authorities desire to amend Chapter 38 "Intoxicating Liquors" of the Code to permit restaurants with liquor licenses to serve alcoholic beverages so that they may be consumed off-premises during the duration of the Executive Order; and

WHEREAS, the City's corporate authorities desire to further amend Chapter 38 "Intoxicating Liquors" of the Code to provide temporary relief from certain City fees pertaining to installment payments for the renewal of liquor licenses; and

WHEREAS, the City's corporate authorities find that it is in the best interests of the City's welfare, public health, and safety to amend the Code pursuant to this Ordinance; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this Ordinance are true, material, adopted, and incorporated herein as Section 1 to this Ordinance.

SECTION 2: Chapter 38 "Intoxicating Liquors" of the Code shall be amended to add a new Section 38.35 entitled "Provisional Package Liquor License", which shall state in its entirety as follows:

38.35 PROVISIONAL PACKAGE LIQUOR LICENSES

A Provisional Package Liquor License shall authorize the Sale of beer and wine in the original packaging by a Restaurant Licensee, only when accompanied by the contemporaneous (same meal) sale of Real Food for carry-out only and not for consumption on the premises, subject to the following restrictions:

1. A Provisional Package Liquor License must have a valid Restaurant Liquor License.
2. No Sale of liquor shall be allowed by delivery or drive-through.
3. The Liquor Commissioner, in consultation with the City Manager's Office, shall review and approve an application for a Provisional Package Liquor License. The initial issuance fee for a Provisional Package Liquor License shall be Twenty-Five Dollars (\$25.00). Further, the initial issuance fee will be credited to the following year's renewal fee. The Liquor Commissioner, in his discretion, may waive, suspend, or refund all or some of the initial issuance fee.
4. The term of the Provisional Package License shall automatically expire upon the earliest occurrence of one of the following events: (a) the expiration, termination, revocation, cancelation, or voiding of State of Illinois Executive Order 2020-07 and any other law, regulation, or order prohibiting the on-premises consumption of food and beverages at restaurants in the City due to a declared public health emergency; or (b) June 30, 2020.
5. Except as may otherwise be provided herein, the restrictions provided by Sections 9, 10, and 12 of this Chapter shall apply to Provisional Package Liquor Licenses.

SECTION 3: Chapter 38 "Intoxicating Liquors", Section 38.08 "Term of Licenses and License Fees" of the Code shall be amended to state as follows:

38.08 TERM OF LICENSES AND LICENSE FEES

- e) Renewal license fees shall be paid, in full, at least thirty (30) days in advance of the current expiration date of a license. Any license renewal must include all required renewal documentation, in a format acceptable to the Liquor Commissioner (generally

contemplated to consist of a certification that no changes have been made to the business, and/or a description of any changes that is acceptable to the Liquor Commissioner). Failure to submit a renewal application at least thirty (30) days before the date of expiration of an existing license shall result in the assessment of a Two Hundred Dollar (\$200.00) late fee. Failure to submit a renewal application at least seven (7) days before the date of expiration of an existing license shall result in the assessment of an additional Two-Hundred Dollar (\$200.00) late fee. Failure to submit a renewal application by the expiration date shall result in the emergency suspension, revocation or expiration of a liquor license, as determined by the Liquor Commissioner.

1. Except for the renewal of all licenses that will expire during the 2020 year, Licensees may pay license renewal fees in two installments, if desired. To pay in two installments, the Licensee must submit a payment equal to one half of the renewal fee, plus a supplemental fee of Two Hundred and Fifty Dollars (\$250.00) at the time of renewal and must submit the second half of the renewal fee by the date which is five (5) months from the date of issuance of the license. In the event a Licensee fails to tender the second payment in a timely fashion, the liquor license shall expire and terminate on that date which is six (6) months following the date of issuance of the license. **The City shall not provide notice of the second payment due date.**
2. For the renewal of all licenses that will expire during the 2020 licensing year, Licensees may pay license renewal fees in three installments, if desired. To pay in three installments, the Licensee must submit a payment equal to one-third of the renewal fee at the time of renewal, a payment equal to one-third of the renewal fee by the date which is three (3) months from the date of issuance of the license, and a payment equal to one-third of the renewal fee by the date which is six (6) months from the date of issuance of the license. In the event a Licensee fails to tender the second payment in a timely fashion, the liquor license shall expire and terminate on that date which is seven (7) months following the date of issuance of the license. There shall be no supplemental fee associated with said installment payments. The City may not provide notice of the due dates for the second and third payments.

SECTION 4: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 5: The City's corporate authorities, by a vote of two-thirds of all members then holding office, find and declare that this Ordinance shall be in full force and effect immediately upon its passage and approval due to the urgency of providing such immediate and temporary relief.

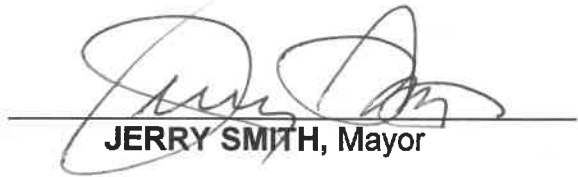
SECTION 6: That the City Clerk and/or the Executive Assistant of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's signature.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 23rd day of March 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:



RUTH A. SCOTT, Executive Assistant



JERRY SMITH, Mayor

