

AMENDING CHAPTER 38 "INTOXICATING LIQUORS", SECTION 38.07 "CLASSIFICATIONS OF LIQUOR LICENSES", OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS BY ADDING LICENSE CLASSIFICATION "AUDITORIUM", AND AMENDING SECTION 38.08 "TERM OF LICENSES AND LICENSE FEES".

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, the City regulates alcoholic liquors as provided by Chapter 38 "Intoxicating Liquors" of the City's Municipal Code (the "Code"); and

WHEREAS, the City's corporate authorities find that large auditoriums hosting various public amusement events which are open to all ages of the general public present unique regulatory issues pertaining to liquor control requiring a novel kind and classification of liquor license under the Code; 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: Chapter 38 "Intoxicating Liquors", Section 38.07 "Classifications of Liquor Licenses", of the Code shall be amended to state as follows:

38.07 CLASSIFICATION OF LIQUOR LICENSES

j) Auditorium Liquor License

1. Auditorium Liquor Licenses are available for facilities in the City of DeKalb that have a single auditorium area with fixed seating containing between 1,000 and 2,000 seats in the same auditorium viewing area. The liquor may be sold from one or more concession stand area(s) located in the facility for consumption within the Premises. No Package Sales are allowed. The Premises for an Auditorium Liquor License shall be the Auditorium area and all lobby areas to which the general public has access.
2. The sale of liquor shall occur within a period of time that is one (1) hour before or one (1) hour after the beginning or ending of any event held within the Premises.

3. Live entertainment may be presented at the Premises receiving an Auditorium Liquor License without the requirement for the issuance of an annual Live Entertainment Permit.
4. The provisions of Section 38.21 "Persons Under the Age of Twenty-One", Subsection a), of the DeKalb Municipal Code shall not be applicable in a Premises that has been issued an Auditorium Liquor License.
5. There shall be no more than one (1) Auditorium Liquor License in the City of DeKalb.
6. Containers used to serve alcoholic drinks shall be clearly distinguishable from those used to serve non-alcoholic beverages. The manner by which containers containing alcohol shall be clearly distinguishable from those used to serve non-alcoholic drinks shall be approved in advance by the Chief of Police or his/her designee.
7. A patron shall not be served more than two (2) drinks at a time. For the purposes of this Section only, a "Drink" shall mean, regardless of the container size, a single serving of alcoholic spirits that has no more than three (3) ounces of spirits of 100 proof or less, a single serving of beer which is not more than 24 ounces, or a single serving of wine that is not more than eight (8) ounces.
8. If a patron appears underage and is in possession of an alcoholic beverage container, an employee must ask to see the patron's identification and verify that the patron can purchase and consume alcohol.
9. Any person under the age of 21 found with an alcoholic beverage will have the beverage immediately removed and the minor will be required to leave the premises. Any person found to have given an alcoholic beverage to a minor will be required to immediately leave the premises.
10. Alcoholic beverages shall not be permitted beyond the exits of the Premises.

SECTION 2: 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

b) Term of Licenses

- 3) Auditorium Licenses. Auditorium Licenses shall have a term from January 1 of a year to the last day of December in that year. Applications for renewal of an Auditorium Liquor License shall be due no later than December 1 of the license year. The initial fee for an Auditorium license shall be \$1,800, unless reduced or

waived by the Liquor Commissioner. The annual renewal fee of an Auditorium license shall be \$1,800.

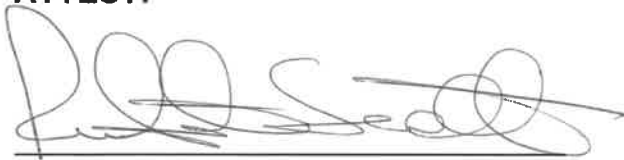
SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding 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 4: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SECTION 5: 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 27th day of April 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