

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 38, "INTOXICATING LIQUORS," SECTION 38.05, "CLASSIFICATION OF LICENSES; FEES," SUBSECTION 11, PARAGRAPHS D AND G, AND AMENDING SECTION 38.01, "DEFINITIONS."

**WHEREAS**, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

**WHEREAS**, the Corporate Authorities of the City have heretofore established Chapter 38 of the City Code of Ordinances, regulating the sale of alcoholic beverages within the City; and,

**WHEREAS**, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the adoption of certain amendments to those liquor regulations; now,

**THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

**Section 1.** That the Municipal Code of the City of DeKalb, Chapter 38, Section 38.05, Subsection (11)(D), be amended as shown following:

D. Confinement of alcoholic liquor. All alcoholic liquor shall be displayed for sale in a *fashion that the licensee determines to permit proper supervision of, so as to permit enforcement of the City's restrictions on sales to minors or other unauthorized persons. Licensee shall be permitted to have displays of alcohol located by non-alcoholic items for purposes of cross merchandising. However, the primary location where alcoholic liquor is displayed for sale shall be in a confined area separate away* from other non-alcohol items. The separate *primary* alcoholic liquor sales area shall be located in the grocery store in such a manner that customers will be able to access all non-alcohol items without entering or passing through the separate alcohol liquor sales area. On the perimeter of the separate *primary* alcoholic liquor sales area, there shall be a sign prominently displayed stating: **YOU MUST BE 21 YEARS OLD TO ENTER THIS AREA UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.** The separate *primary* alcoholic liquor sales area shall include means of locking the access during prohibited sales hours. All packaged alcoholic liquor that is not yet displayed or offered for sale shall be secured in a locked area that will be accessed only under the supervision of a manager who is at least twenty-one (21) years of age. (04-43)

**Section 2.** That the Municipal Code of the City of DeKalb, Chapter 38, Section 38.05, Subsection (11)(G), be amended as shown following:

G. Hours of Sale. The hours of sale of alcoholic beverages shall not be greater than Monday through Saturday 10:00 a.m. to 10:00 p.m.; Sunday ~~11:00~~ **10:00** a.m. to 9:00 p.m. (04-43, 10-73)

**Section 3.** That the Municipal Code of the City of DeKalb, Chapter 38, Section 38.01 shall be amended with the alphabetized insertion of the definition of Cross Marketing, as provided below:

Cross Marketing. Where permitted under the terms of this Chapter, Cross Marketing shall be deemed to include the display of alcohol at locations other than within a confined primary alcoholic liquor sales area. Cross Marketing shall only be permitted for displays of beer, wine, wine coolers, or other alcoholic beverages having an alcohol content not exceeding 20% alcohol by volume, and shall not be permitted for display of other alcoholic beverages. Cross Marketing: 1) shall not be permitted within fifty (50) feet of any public entrance or exit to a licensed establishment; 2) shall be smaller in size than the primary alcoholic liquor sales area; and, 3) shall be subject to the implementation of reasonable controls on the location, size and nature of display, so as to provide for proper supervision of such areas. Any reference to Cross-Marketing being permitted under the terms of this Chapter shall be deemed to include and require compliance with these restrictions.

**Section 4.** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

**Section 5.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 6.** This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: May 31, 2012. Effective date: June 10, 2012.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 29<sup>th</sup> day of May, 2012 and approved by me as Mayor on the same day. First and second reading on May 29, 2012. Roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, O'Leary, Povlsen. Absent: Baker.

**ATTEST:**

  
\_\_\_\_\_  
**DIANE K. WRIGHT**, City Clerk

  
\_\_\_\_\_  
**KRIS POVLSSEN**, Mayor

