

APPROVING A LIQUOR PRODUCTION LIQUOR LICENSE FOR BYERS BREWING, LLC, D/B/A BYERS BREWING COMPANY, FOR THE LOCATION AT 216 N. SIXTH STREET, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb (the “City”) is a home rule unit of local government and 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 the sale of alcoholic beverages pursuant to Chapter 38 of the City’s Municipal Code; and

WHEREAS, Byers Brewing, LLC (“Licensee”) applied for a Liquor Production Liquor License Illinois (the “License”) for the establishment known as Byers Brewing located at 230 E. Lincoln Highway, DeKalb (the “Premises”); and

WHEREAS, the City’s corporate authorities find that approving the License is in the City’s best interests for the protection of the public health, safety, morals, and welfare; and

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

SECTION 1: The City’s corporate authorities approve the issuance of a liquor license, Liquor Production, to Byers Brewing, LLC, 230 E. Lincoln Highway, DeKalb, Illinois, subject to the following terms and conditions:

1. Licensee shall not be required to pay initial issuance fees, but shall be obligated to pay liquor license renewal fees.
2. Except as may otherwise be expressly provided by this Resolution, the License shall be subject to all provisions of the City’s Municipal Code.
3. Licensee shall obtain the Liquor Commissioner’s approval of a Business Plan and Premises Plan (the “Plans”). The Plans shall be subject to approval by the Liquor Commissioner with the advice and recommendation of the Chief of Police and must be approved prior to commencement of operations of the Premises. The City Council expressly authorizes the Liquor Commissioner to approve of further and specific regulations of the uses of the Premises in the Plans and any amendments to the Plans without further approval by the City Council.
4. The License shall be conditioned upon the following conditions precedent to final issuance:
 - a. Adherence to the occupancy limit, once established.
 - b. A Fire Life Safety license must be obtained and maintained.
 - c. Registration for payment of all applicable City, State and Federal taxes.
 - d. Final approval by the City Police Department and Fire Department of public safety/access restrictions and policies, signage and similar measures.
 - e. The Licensee shall successfully complete all pre-license investigations required by City Code.
 - f. The Premises shall be improved and built-out in accordance with the requirements of City Code and the Plans, and Licensee shall obtain a certificate of occupancy for the Premises.

5. The License shall be deemed to permanently include the following restrictions:

- a. Licensee and the Premises shall comply with all applicable provisions of the City's Municipal Code regarding the regulation, use, and taxation of the Premises as a licensed liquor establishment.
- b. The License shall permit the initial use of the Premises for the production of alcoholic beverages, for the retail sale of package liquors, for tasting and sampling and for on-site consumption of alcoholic beverages, within the specified areas outlined in the Premises Plan to be approved by the Liquor Commissioner. The City acknowledges that it is contemplated that the Licensee may expand operations to also include a restaurant and expanded area for consumption on-premises, potentially including an outdoor seating area. Such expansion may be authorized with the approval of the Liquor Commissioner, with the advice and recommendation of City staff, without requirement of further City Council approval. At the time of such expansion, the Licensee shall submit a revised Business Plan and Premises Plan for approval by the Liquor Commissioner.
- c. Access to the licensed premises shall only be by persons 21 years of age or older, or persons with their parent or legal guardian.
- d. The License shall not authorize the installation or maintenance of Video Gaming Terminals, unless later authorized by the City Council.

SECTION 2: The City's corporate authorities authorize and direct City staff to issue a conditional license upon the effective date of this Resolution and an unconditional license upon satisfaction of the conditions precedent to issuance. The conditional license may be utilized to obtain any required federal or state licensure and may be relied upon by any superior governmental body.

SECTION 3: This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision 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 City's corporate authorities that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, this resolution shall supersede state law in that regard in its jurisdiction.

SECTION 4: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 14th day of August 2023 and approved by me as Mayor on the same day. Passed by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker. Nay: None. Obstain: Barnes.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant