ORDINANCE 2016-009  

AMENDING CHAPTER 38 “INTOXICATING LIQUORS”, SECTION 38.07 “CLASSIFICATION OF LIQUOR LICENSES”, AND SECTION 38.13 “RESTRICTIONS APPLICABLE TO HOSPITALITY SALES” OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS.

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 City of DeKalb currently maintains Section 38.07 and Section 38.13 of the City Code, which relate to classifications of liquor licenses within the City; and,

WHEREAS, the City Council has determined that it is necessary and advantageous to adopt certain updates to those sections, to protect the public health, safety and welfare and to provide for the orderly review of proposed development within the City;

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

Section 1. Ordinances Amended.

Section 38.07(e) of the City Code shall be amended as follows:

38.07 CLASSIFICATIONS OF LIQUOR LICENSES.

c) Hospitality.

1. Hospitality licenses shall be available for Hotels, Banquets, and Bowling Alleys. They shall also be available to Bars and Restaurants as contemplated above.

2. For establishments that are full-time Hospitality Licensees, the entirety of the Building shall be deemed to be the Permitted Area for Hospitality Sales.

(a) In the event that a Restaurant or Bar wishes to also have a Hospitality License for Banquet Sales, it shall submit a floor plan showing a designated Banquet Area. The Banquet Area may be an area that is used for Bar or Restaurant purposes when not in use as a Banquet Facility. However, it must be capable of being physically separated (by a wall, half-wall, stairs/grade separation or other separation acceptable to the Liquor Commissioner) from the Bar or Restaurant Area of the Building when in use for Banquet purposes. Unless an area is expressly reserved for Banquet use at all times and is used for no other purpose, the Licensee shall give the City not less than 72 hours written notice of its intent to use the Banquet Area for Banquet purposes (and shall describe the nature and duration of the Banquet event contemplated). No separate City approval shall be required for Banquet use of the facility, provided that timely notice has been provided.
(b) A Bar that provides a Banquet Area must offer restroom facilities for patrons in the Banquet Area that can be accessed without entering any designated Bar Area that would be in use at the time of the Banquet. The Liquor Commissioner may require such additional maps, floor plans, or descriptions as shall be necessary to evaluate a request for a supplemental Hospitality License for Banquet Sales.

3. Hospitality Licensees shall engage only in sales of Alcoholic Liquors for consumption on the Premises. Hospitality Licensees shall not engage in Package Sales that are not intended for consumption on premises.

4. Hospitality Licensees may also apply for and obtain for Live Entertainment, Outdoor Special Event and Caterer Event permits.

5. Hospitality Licensees shall be eligible for a Tasting Permit.

6. A Hotel operating with a Hospitality License may operate a Hospitality license, Bar license and Restaurant license as one common license, provided that all liquor-related operations of the Hotel are under common ownership and management. The license fees applicable to said license shall be the highest of the applicable fees for any of the sub-licenses.

Section 38.13 shall be amended as follows:

38.13 RESTRICTIONS APPLICABLE TO HOSPITALITY SALES.

a) Any Sale of Alcoholic Liquors under a Hospitality liquor license shall only be permitted where the Sale of Alcoholic Liquors is incidental to the primary business of the Licensee, of being a Bowling Alley, Hotel or Banquet Facility (or incidental to use of the facility as a Restaurant or Bar, if licensed for such purpose).

b) Hospitality Sales shall not be permitted to include any Package Sales of Alcoholic Liquors, but shall permit Sale for consumption on premises only.

1. Hotels may apply for authorization from the Liquor Commissioner to display for sale Alcoholic Liquors within guest rooms in the original, sealed container within a “mini-bar” or other similar display, provided that such sales are intended for consumption on the premises only. The Liquor Commissioner may permit such displays, subject to any security requirements that the Liquor Commissioner may require.

2. Hotels that maintain a Hospitality liquor license may operate with designated portions of their facility operating with Hospitality, Restaurant and Bar licensure. Such areas shall be clearly denoted on the floor plan of the premises provided to the City, and each designated area shall be subject to the restrictions applicable to that form of licensure.

c) An establishment with a Hospitality License may apply for permission to maintain a Permitted Area for Bar Sales, which shall be subject to all applicable Bar Sales restrictions, and subject to approval by the Liquor Commissioner. Any such Permitted Area for Bar Sales shall be subordinate in nature, use and size to the primary use of the Premises and Building for Hospitality Sales, and any approval shall be in the Liquor Commissioner’s
discretion. No Permitted Area for Bar Sales under a Hospitality license shall be allowed to engage in Package Liquor Sales.

1. A Bowling Alley may apply for permission to maintain a Permitted Area for Restaurant Sales, which shall be subject to all applicable Restaurant Sales restrictions, subject to approval by the Liquor Commissioner. Any such Permitted Area for Restaurant Sales shall be subordinate in nature, use and size to the primary use of the Premises and Building as a Bowling Alley, and any approval shall be in the Liquor Commissioner’s discretion.

d) Other than a Permitted Area for Bar Sales (which shall be restricted to persons over the age of 21), a Hospitality Licensee is permitted to allow comingling of persons over and under the age of twenty-one (21) within the Permitted Area for Hospitality Sales, and there shall not be a limitation that Alcoholic Liquors only be delivered with Real Food. It shall continue to be unlawful to sell, deliver or permit the sale, delivery, possession or consumption of Alcoholic Liquors by a person under the age of twenty-one (21) subject to the terms provided within the balance of this Code.

e) Where a Bar or Restaurant applies for and obtains a Hospitality License for Banquet use, the Permitted Area for Banquet use shall be subject to these Restrictions Applicable to Hospitality Sales when such area is in permitted to be used for Hospitality Sales, and shall be subject to the restrictions applicable to Bar Sales or Restaurant Sales, as applicable, at all other times.

Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 3. 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 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: April 26, 2016. Effective date: May 5, 2016.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 25th day of April, 2016 and approved by me as Mayor on the same day. First Reading April 11, 2016. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

ATTEST:

JENNIFER JEEP JOHNSON, City Clerk

JOHN A. REY, Mayor