ORDINANCE 2016-010                PASSED: APRIL 25, 2016

AMENDING CHAPTER 38 “INTOXICATING LIQUORS”,
SECTION 38.07 “CLASSIFICATION OF LIQUOR 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 of the City Code, which
relates 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 this section, to protect the public health, safety and welfare and to provide for
the orderly review of proposed development within the City;

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

Section 1. Ordinances Amended.

Subsections (d) and (g) of section 38.07 of the City Code shall be amended as follows, with all
other subsections being unamended by this ordinance:

38.07 CLASSIFICATIONS OF LIQUOR LICENSES.

d) Restaurant.

1. A Restaurant may only engage in Restaurant Sales, under the restrictions
of Section 38.12, and shall not engage in any other form of Sales of Alcoholic Liquors. A
Restaurant may not engage in Package Sales or Bar Sales, and shall not have a designated Bar
area (unless the Restaurant also has a Bar license).

2. The entirety of the Building shall be deemed to be the Permitted Area for
Restaurant Sales.

3. A Restaurant may also apply for and obtain Live Entertainment, Outdoor
Special Event, BYOB or Caterer Permits.

4. Classifications: There shall be two classifications of Restaurant licenses
available, both subject to the Restaurant Sales restrictions. Restaurants which seek to serve a full
variety of Alcoholic Liquors may seek a Restaurant License. Restaurants which seek to serve
only Low-ABV Liquors may seek a Restaurant License with a Low-ABV restriction. A
Restaurant which seeks a Low-ABV Liquor license shall be restricted to only serving Low-ABV
Beverages (and this restriction shall apply to all activities of the Licensee, including Live Entertainment, Outdoor Special Events, Caterer Events and Tasting).

5. A Restaurant may also apply for and obtain a Hospitality License for Banquet Sales. In the event that a Restaurant seeks a Hospitality License for Banquet Sales, it shall pay the higher of the applicable Initial Issuance and Renewal License Fees.

6. A Restaurant shall be eligible for a Tasting Permit.

g) BYOB.

1. Standalone BYOB Licensure:

   A. A BYOB Licensee may not engage in the sale of alcoholic beverages, but may permit customers who are over the age of twenty-one (21) years to bring their own Low ABV Beverages into the premises, in their original, unopened, sealed containers, for consumption on the premises. It shall be unlawful to permit such consumption in any food service establishment which requires a Life-Safety License under applicable City Codes, without obtaining a BYOB license.

   B. The entirety of the Building shall be deemed to be the Permitted Area for BYOB activities.

   C. A BYOB establishment shall not be eligible for Live Entertainment, Outdoor Special Event, Tasting or Caterer Events permits.

   D. Consumption of alcoholic beverages at a BYOB licensed establishment shall only be permitted when incidental to the service of a meal of Real Food, as defined herein. The Licensee is permitted to provide glasses, ice, and an ice-holder for customers, and may charge a corkage fee for the privilege of opening alcoholic beverages within the establishment (provided that such fee is prominently displayed at the establishment). The Licensee may not charge any additional fees for pouring, serving or permitting alcoholic beverages to be consumed, other than a per-bottle corkage fee. Any employee of the Licensee engaged in services relating to the service of Alcoholic Liquors shall be required to be an Alcohol Server.

   E. The service of alcohol, or permitting alcohol to be consumed on-premises, shall be conducted in accordance with the restrictions applicable to Restaurant Sales, under Section 38.12.

   F. In no event shall a Licensee permit more than six (6) twelve (12) ounce cans or bottles of beer, or an equivalent seventy-two (72) ounces of beer, in original containers, or one (1) 750 milliliter (ml) bottle of wine, in its original container, to be brought upon the premises by each individual customer or party...
of two (2) customers. Parties of customers larger than two (2) shall be limited to the above quantities per each (2) customers.

2. BYOB Supplemental License:

A. The holder of a valid Restaurant liquor license may apply to permit BYOB licensure as a supplemental license. Such supplemental license shall be subject to the payment of the additional BYOB licensure fee then-applicable. The permitted area for BYOB service shall be identical to the permitted area for restaurant liquor service.

B. Consumption of alcoholic beverages in the BYOB format shall only be permitted when incidental to the service of a meal of Real Food, as defined herein. The Licensee is permitted to provide glasses, ice, and an ice-holder for customers, and may charge a corkage fee for the privilege of opening alcoholic beverages within the establishment (provided that such fee is prominently displayed at the establishment). The Licensee may not charge any additional fees for pouring, serving or permitting alcoholic beverages to be consumed, other than a per-bottle corkage fee. Any employee of the Licensee engaged in services relating to the service of Alcoholic Liquors shall be required to be an Alcohol Server.

C. The Liquor Commissioner shall be permitted to approve BYOB licensure for existing City licensees.

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 on 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