

**ORDINANCE 2016-013**

**PASSED: MAY 9, 2016**

**AMENDING CHAPTER 38 "INTOXICATING LIQUORS",  
SECTION 38.09 "RESTRICTIONS GENERALLY  
APPLICABLE" OF THE MUNICIPAL CODE AS IT  
PERTAINS TO HAPPY HOUR. (SECOND READING)**

**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 38.09 of the City Code, which relates to restrictions applicable to the sale of alcoholic beverages 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. Ordinance Amended.**

Section 38.09 of the City Code shall be amended with the addition of subsections (y) and (z) as follows:

**38.30 RESTRICTIONS GENERALLY APPLICABLE.**

- (y) All licensees that are authorized to sell alcoholic beverages for consumption on the premises may engage in "Happy Hour" sales of alcoholic beverages in compliance with applicable State laws.
- (z) Notwithstanding the foregoing, no licensee may engage in "entertainment package", "Meal Package" or "Party Package" liquor related sales as defined in 235 ILCS 5/6-28.5 (or the then-current version thereof), unless such sales are conducted within the approved premises of an establishment holding a Hospitality Liquor License issued by the City of DeKalb, in accordance with all restrictions applicable to Hospitality Liquor Licenses. Notwithstanding any contrary provision of state law, no use of furniture, ropes or stanchions shall be permitted to create a physical barrier between hospitality areas and non-hospitality areas; such separation shall require a permanent physical barrier as contemplated by this City Code. "Entertainment package", "Meal Package" and "Party Package" liquor sales are prohibited without a valid Hospitality license.

**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prior versions of the ordinances included above, are hereby repealed.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: May 10, 2016. Effective date: May 20, 2016.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a regular meeting thereof hel on the 9th day of May, 2016, and approved by me as Mayor on the same day. First reading April 25, 2016. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

**ATTEST:**

  
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JENNIFER JEEP JOHNSON, City Clerk

  
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JOHN A. REY, Mayor

