

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 38, "INTOXICATING LIQUORS," SECTION 38.01, "DEFINITIONS" AND SECTION 38.05, "CLASSIFICATION OF LICENSES."

BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. That the Municipal Code of the City of DeKalb, Illinois, Chapter 38, "Intoxicating Liquors", Section 38.01, "Definitions," be amended as follows:

38.01 DEFINITIONS

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below.

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Grocery Store: A building where the primary business consists of the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over the counter medicines, personal products, household goods and similar items are available to be purchased by the consumer. (04-43)

Section 2. That the Municipal Code of the City of DeKalb, Illinois, Chapter 38, "Intoxicating Liquors", Section 38.05, "Classification of Licenses," be amended as follows:

SECTION 38.05 CLASSIFICATION OF LICENSES; FEES (09-46, 10-15)

Retail liquor dealers' licenses shall be divided into the following classes:

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10. A Class D license, which shall authorize a "grocery store", as defined in this Chapter, to engage in the retail sale of packaged beer, wine and liquor in original packages for consumption off the premises only, subject to the conditions set forth herein. Curb service or sale is prohibited. (04-43, 09-46)

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B. Size of Grocery Store Premises. In order to qualify for a Class D liquor license, the grocery store premises must be no smaller than 20,000 14,000 gross square feet and no larger than 80,000 gross square feet. (04-43)

Section 3. That each section, paragraph, sentence, clause and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance, nor any part thereof, other than that part affected by such decision.

Section 4. That except as to the amendments heretofore mentioned, all Sections of the Municipal Code of the City of DeKalb, Illinois shall remain in full force and effect.

Section 5. Upon its passage and approval according to law, this Ordinance shall, by authority of the City Council be published in pamphlet form. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: June 14, 2011. Effective date: June 24, 2011.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 13th day of June, 2011, and approved by me as Mayor on the same day. Received and filed May 23, 2011. Passed on second reading by roll call vote: 4-3. Aye: Jacobson, Teresinski, Lash, Gallagher. Nay: Naylor, Baker, O' Leary.

ATTEST:



STEVE KAPITAN, City Clerk



KRIS POVLSEN, Mayor

