

AMENDING THE MUNICIPAL CODE OF
THE CITY OF DEKALB, ILLINOIS,
CHAPTER 38, "INTOXICATING LIQUORS,"
SECTION 38.03-5 "PROOF OF DRAM SHOP
INSURANCE."

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 38.03-5, "Proof of Dram Shop Insurance," be amended as follows:

38.03-5 PROOF OF DRAM SHOP INSURANCE

a) Each application for a license required under this Chapter 38, and each application for the renewal of a license shall be accompanied by evidence of dram shop liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure the applicant and the owner or lessor of the premises for not less than the maximum liability amount provided by law for each injury to the person (including death) or the property of any person.

b) Such certificate shall also on its face name the City of DeKalb as a certificate holder and provide that the City of DeKalb shall be entitled to ten (10) days advance written notice of cancellation before expiration of such policy. (00-54, 09-46)

c) *Such coverage shall be for either: (1) the period of at least August 1st through July 31st of the following year ("the license renewal period"); or (2) a different one (1) year period covering at least part of the upcoming license year. In the event that the applicant submits coverage for the license renewal period, the certificate of insurance shall be submitted annually with the licensee's renewal application. In the event that the applicant submits coverage for a different one (1) year period, it shall be the applicant's responsibility to provide a certificate of insurance to the City of DeKalb at the time of the renewal of such coverage and/or within ten (10) days of the date when at such time as a change in insurance carriers occurs. Should the applicant fail to do so and the City contacts the licensee by mail to provide such certificate of insurance, an administrative fee of One Hundred Dollars (\$100.00) shall be imposed upon such licensee. The fee may be appealed by the procedures set forth in Sections 38.28 and 38.28-1 of this Chapter.* Such coverage shall be kept current at all times. *The policy of insurance shall provide that any notice of cancellation be sent to the City, in addition to the insured.* Licensees shall have certificates of insurance immediately provided to the office of the Liquor Commissioner at the time of renewal and/or within ten (10) days of the date when at such time as a change in insurance carriers occurs. Upon request of the Liquor Commissioner, a licensee shall provide evidence of current coverage at times other than the initial application and application for renewal of license. (95-48, 00-54, 09-46)

Section 2. 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 3. 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 4. 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: August 9, 2011 Effective date: August 19, 2011.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 8th day of August, 2011 and approved by me as Mayor on the same day. Received and filed by voice vote. Passed on second reading by roll call vote: 6-0-1. Aye: Jacobson, Teresinski, Lash, Gallagher, Baker, O' Leary. Nay: None. Absent: Naylor.

ATTEST:



STEVE KAPITAN, City Clerk





KRIS POVLSSEN, Mayor