

AMENDING THE MUNICIPAL CODE OF
THE CITY OF DEKALB, ILLINOIS,
CHAPTER 38, "INTOXICATING LIQUORS,"
SECTION 38.05 "CLASSIFICATION OF
LICENSES; FEES."

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 38.05, "Classification of License Fees," be amended as follows:

SECTION 38.05 CLASSIFICATION OF LICENSES; FEES (09-46, 10-15, 10-43)

1. A Class A license, which shall authorize the retail sale on the premises specified of alcoholic liquor for the consumption on the premises as well as other retail sale of such liquor. Without exception, the gross receipts for such premises must reflect, based on each preceding Federal Tax Year, at least 75% from the sale of alcoholic liquor and no more than 25% of said gross receipts shall be from the sale of other goods or services other than alcoholic liquor. Any Class A licensee, whose principal business is the sale at retail of groceries or drugs, shall be required to provide a physical separation between the area for the sale of groceries or drugs and the area for the sale of packaged alcoholic liquor, separate check-out facilities and separate entrance and exit facilities as approved by the Liquor Commissioner or his designee, and the Class A liquor license must be established in a different person, firm or corporation other than that of the principal business on the premises. (84-33, 95-48, 00-53, 05-08, 09-46)

Notwithstanding any other provision of this Chapter, a Class A licensee which sells at retail packaged liquor only may conduct product sampling or tasting for consumption of beer, wine and liquor upon the licensed premises. Except as set forth in this Section, a consumer may be served up to five (5) separate samples, each sample containing no more than: (i) one (1) ounce of wine, (ii) two (2) ounces of beer, or (iii) one-quarter (1/4) ounce of liquor, in any one day. A Class A licensee which sells at retail packaged liquor only may offer a class, clinic or seminar to educate its patrons on alcoholic beverages and food items and, as part of that class, clinic or seminar, may offer up to eight (8) separate samples, each sample containing no more than: (i) one (1) ounce of wine, (ii) two (2) ounces of beer, or (iii) one-quarter (1/4) ounce of liquor, in any one day. The licensee may charge a registration fee to defray the cost of offering the class, clinic or seminar.

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