

**ORDINANCE 2015-048      PASSED: NOVEMBER 23, 2015**

**AMENDING CHAPTER 38 "INTOXICATING LIQUORS",  
SECTION 38.09(k) "OPEN CONTAINERS" 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 38.09(k) of the City Code, which relates to Open Containers; and,

**WHEREAS**, the City Council has determined that it is necessary and advantageous to adopt certain updates to Section 38.09, to protect the public health, safety and welfare;

**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(k) of the City Code shall be amended as follows:

k) It shall be unlawful for any person to carry on any street, alley, park or other public way (including sidewalks and rights-of-way) an Open Container of any beverage containing any Alcohol or Alcoholic Liquors, unless such public area is a Permitted Area under the terms of a then-valid City-issued liquor license. The minimum penalty for a violation of this subsection shall be a fine of not less than seventy-five dollars (\$75.00) if paid as a mail-in violation, or two-hundred dollars (\$200.00) if imposed in Court.

**Section 2.** All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.


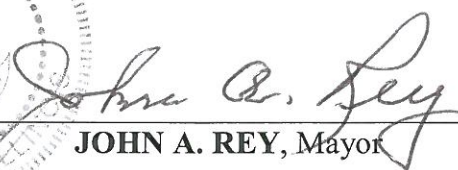
**Section 3.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 4.** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: November 24, 2015. Effective date: December 3, 2015.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 23<sup>rd</sup> day of November 2015 and approved by me as Mayor on the same day. First reading November 9, 2015. Passed by Omnibus roll call vote of 7-0 on the Consent Agenda. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Rey.

**ATTEST:**

  
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JENNIFER JEEP JOHNSON, City Clerk

  
  
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JOHN A. REY, Mayor