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versions of the ordinances included above, are hereby repealed.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

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting
thereof held on the 23rd 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

ATTEST:

JENNIFER JEPP JOHNSON, City Clerk

JOHN A. REY, Mayor