ORDINANCE 13-29     Passed: May 13, 2013


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 Corporate Authorities of the City have heretofore established Chapter 38 of the City Code of the City of DeKalb which regulates the sale of alcohol and related behavior within the City; and,

WHEREAS, the Corporate Authorities have determined that certain updates to said Chapter 38 are required; and,

WHEREAS, the City Council has identified deleterious behavior that is often coupled with intoxication, and has determined that such behavior frequently escalates into more serious threats to public health, welfare, safety and morals and thus wishes to regulate and prohibit such behavior; and,

WHEREAS, the City Council determines that there is an urgent public need that will be mitigated by the passage of this ordinance, and hereby includes a statement of urgency and direction that the ordinance take effect immediately upon passage and approval, having made all required findings for such immediate effect;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Ordinance Amended.

Chapter 38 of the City of DeKalb Code of Ordinances is and shall be amended as follows:

a) 38.19(a) is amended as follows:

   a) A corporation or entity that is organized as a not-for-profit organization and which complies with all regulations and requirements applicable to not-for-profit organizations within the State of Illinois may apply for issuance of a Non-Profit Special Event Permit, which authorizes the sale of Alcoholic Beverages for consumption on the premises of the Special Event or the related retail sale of Alcoholic Liquors in the original package (subject to the terms of a Special Event
Agreement acceptable in form and content to the Liquor Commissioner).

b) **38.24 is amended with the addition of a subsection (l) as follows:**

1) To approve arrangements for the sale of Alcoholic Liquors, in the original package and not for consumption on the premises, by vendors at farmer’s market events that are otherwise lawfully permitted and approved by the City, to formally authorize such sales under this Code, and to impose any restrictions or limitations on such sales as shall be deemed appropriate based upon the recommendations of the City Manager, Police Chief and City Attorney, without requirement of conforming to a specified liquor license category outlined above.

c) **Chapter 38 is amended with the addition of section 38.34, as follows:**

38.34 Disruptive Intoxication

a) Definitions:

1) “Public Place” shall be defined as a street, sidewalk, park, property owned by any unit of government, or other location reserved for public use or available to the public to utilize, or appearing on any private property without the consent of the landowner.

2) “Intoxicated” shall mean under the influence of drugs, alcohol or any other intoxicants based upon the reasonable belief of a sworn police officer, which belief shall be described on the basis of objective observations of condition including but not limited to a combination of one or more of the following factors: a) admission of use of any intoxicant; b) odor of intoxicants on breath, clothing, body or person; c) bloodshot, watery eyes; d) dilated pupils; e) stumbling or staggering; f) slurred speech; g) failure of any component of a generally accepted field sobriety test; h) alcohol concentration in excess of the legal limit for driving (i.e. 0.08 blood alcohol concentration) measured in accordance with standard protocols for the same; or, i) other reliable indicia of intoxication. Refusing to submit to the conduct of a sobriety test or breathalyzer test shall constitute prima facie evidence of being intoxicated.

3) “Disruptive Behavior” shall mean behavior which consists of one or more of the following elements: a) public urination; b) lewd or combative conduct including but not limited to shouting that can be heard from more than fifty feet away; c) engaging in any behavior otherwise prohibited under City Code or state law; d) disrupting, disturbing, interfering with or blocking the use of any public or private way; e) littering; f) damaging or threatening harm to any person or to any public or private property; g) being intoxicated to a point of being a harm to self or others, or to the point of being incapable of controlling one’s behavior; h) failing or refusing to adhere to any lawful command of a sworn police officer; i) engaging in any conduct that inhibits or disrupts the lawful
actions of a sworn police officer while in the performance of his duties; or
j) engaging in other conduct that is similar in nature to any of the
foregoing, or otherwise likely to cause a disruption or disturbance of
the public peace, whether observed by third party complainants or not.

b) It shall be unlawful to be intoxicated and engage in Disruptive Behavior in
any Public Place as defined herein.

c) A violation of this Ordinance shall be punishable by a fine of not less than
Three Hundred Dollars ($300) and not more than Seven Hundred and Fifty
Dollars ($750). For purposes of this Ordinance, a sworn police officer may serve
as complaining witness without requirement of a third party complainant.

d) **38.09 is amended with the addition of a subsection (w) as follows:**

w) Other than an establishment holding a Hospitality liquor license, no
licensed liquor establishment shall host a Private Party as defined in the Illinois
Liquor Control Act, and no licensed liquor establishment shall offer to sell an
unlimited number of alcoholic drinks for a fixed price or otherwise sell any
entitlement to consume drinks in a fashion that does not directly correspond to
paying for individual drinks.

**Section 2.** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.
All agreements in violation of the terms of this Ordinance shall be terminated, effective
immediately.

**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 immediately after passage, based
upon the statement of urgency included in the preamble above (incorporated by reference

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting
thereof held on the 13th day of May, 2013 and approved by me as Mayor on the same day.
Second reading waived by roll call vote 6-1-1. Aye: Jacobson, Finucane, Snow, Naylor, Baker,

**ATTEST:**

ELIZABETH PEERBOOM, City Clerk

JOHN A. REY, Mayor