

ORDINANCE 13-62 Passed: October 14, 2013

**AMENDING THE MUNICIPAL CODE OF THE
CITY OF DEKALB, ILLINOIS, CHAPTER 38,
“INTOXICATING LIQUORS,” SECTION 38.01
“DEFINITIONS,” AND SECTION 38.09
RESTRICTIONS GENERALLY APPLICABLE.”**

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 Chapter 38 of the City Code, which relates to liquor sales, and wishes to make certain updates to said Chapter; and,

WHEREAS, the City of DeKalb City Council has determined that it is necessary to regulate such liquor in order to properly and adequately protect the public health, safety, welfare and morals; and,

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

Section 1. Ordinances Amended.

The Definition of Banquet, as defined in Section 38.01, shall be amended as follows:

Banquet: Any public place kept, used, maintained and advertised as a facility for private functions such as receptions, meetings, symposiums, parties and similar events, with a minimum seating capacity of at least 100 patrons within a prescribed, confined area, where access to the private event is restricted in accordance with this definition. The base charges for any Banquet event are paid in advance, either with ticket sales conducted at least 48 hours prior to the event or with a host responsible for the base charges. Food is served based upon a limited set of fixed offerings included within the base charge, with seating capacity at tables with plates and silverware for all guests in attendance, and with seating being done in common areas. Alcoholic Liquors may be sold based upon a pre-paid package, a “tab” bar paid after the event, or a pay-per- drink basis. Attendance at Banquet events is not generally open to the public, but rather is limited to invited guests, employees, members or sponsors of the event. Alcoholic Liquors shall be sold for consumption on the premises only, and only to bona fide attendees of a Banquet event. In addition, a Banquet shall be deemed to include Permitted Brunch Events.

Permitted Brunch Events shall be events conducted on a Sunday or on a legal holiday identified in Section 3.45 of the City Code of Ordinances. For a Brunch Event, licensees shall not be required to sell tickets in advance, but may open

events to the public and have payment at the time of the event. Brunch Events shall have a price for attending and eating, with one or more options for menu choices or with a buffet. Alcoholic beverages may be sold on a cash-bar (per-drink) basis, or may be included as a component of the entry price. Alcoholic beverages shall only be sold with Real Food, and no attendee shall be permitted to consume alcohol without a corresponding purchase of Real Food. Permitted Brunch Events shall require compliance with all other Banquet restrictions, including minimum seating for 100 persons, at tables with plates and silverware.

Section 38.09 shall be updated with the addition of a Subsection (x) as follows:

x) Any violation of any other provision of City Code, state statute or applicable ordinance or regulation which in any way relates to the sale of alcohol, the consequences of the sale of alcohol, the conduct of patrons or employees, or the operation or management of the licensed business or licensed premises, including but not limited to noise violations under any City Code and disorderly business charges, shall constitute a violation of the underlying ordinance or regulation and shall separately also constitute a violation of this Chapter 38, punishable as a violation hereof.

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 after passage and publication pursuant to law. Publication date: October 14, 2013. Effective date: October 24, 2013.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 14th day of October, 2013 and approved by me as Mayor on the same day. Second reading waived and passed on roll call vote 6-0-2. Aye: Jacobson, Finucane, Snow, Naylor, Baker, Rey. Absent: Lash, O'Leary.

ATTEST:


ELIZABETH E. PEERBOOM, City Clerk




JOHN A. REY, Mayor