

**ORDINANCE 2017-055      PASSED: DECEMBER 11, 2017**

**AMENDING CHAPTER 38 "INTOXICATING LIQUORS",  
SECTION 38.06 "INSURANCE".**

**WHEREAS**, the City of DeKalb is a home-rule municipality with the power and authority conferred thereupon by virtue of the Illinois Constitution and Illinois Municipal Code; and,

**WHEREAS**, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and,

**WHEREAS**, as a home rule municipality, and pursuant to the Illinois Liquor Control Act regulates the sale of alcoholic beverages within the City; and,

**WHEREAS**, the City has determined that it is necessary and appropriate to implement an amendment to the current provisions of the current City liquor code to protect the public health, welfare, safety and morals;

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

**Section 1. Chapter 38 "Intoxicating Liquors", Section 38.06, "Insurance", Amended.**

City Code Section 38.06 shall be amended as follows:

a) Each application for a license required under this Chapter 38, and each application for the renewal of a license shall be accompanied by evidence of all required insurance, as described in Section b) below, in the form of a certificate of insurance acceptable to the Liquor Commissioner, issued by an insurance company licensed to do business in the State of Illinois.

1. The certificate shall insure the applicant and the owner or lessor of the premises for not less than the minimum liability amount required by this Ordinance.

2. The City of DeKalb shall be named as an additional ~~primary insured, without right of subrogation and without any limiting clauses,~~ on ~~all such~~ the policy of comprehensive general liability insurance ~~policies~~.

3. Such certificate shall also on its face name the City of DeKalb as a certificate holder and provide that the City of DeKalb shall be entitled to thirty (30) days advance written notice of cancellation before expiration of such policy.

4. Said coverage shall be from an insurer licensed to do business in the State of Illinois, and shall be kept current at all times. Licensees shall have certificates of insurance immediately provided to the office of the Liquor Commissioner at the time of renewal and/or within ten (10) days of the date when at such time as a change in insurance carriers occurs. Upon request of the Liquor Commissioner, a Licensee shall provide evidence of current coverage at times other than initial application and renewal. All required insurance shall be required to provide coverage for the Premises and Building where a liquor license is maintained, and also to any Permitted Area for any Sale of Alcoholic Liquors (including any outdoor seating area or the area where any Outdoor Special Event, Caterer Event, Nonprofit Special Event or similar event is to be conducted).

b) For purposes of this Section, the required insurance shall be defined to include:

1. Dram shop insurance with policy limits at or in excess of the statutory minimum required under Illinois law.
2. Comprehensive General Liability insurance with policy limits of not less than one million dollars per person/per occurrence.

c) In addition to the foregoing requirements, applicants and Licensees are also required to maintain workers compensation, automobile liability and any other insurance required under applicable Illinois law as a condition of being eligible to obtain or maintain a liquor license. The City may demand proof of such coverage, in the form of a current certificate of insurance or other proof of insurance acceptable to the City, at any time a license is in place, or at any time while processing a license application or renewal application. However, notwithstanding the provisions of Section a) above, an applicant or Licensee is not required to name the City as additional primary insured on any such policy, nor is an applicant or Licensee required to post a current certificate of insurance with the City, except upon request.

d) In the event of any liquor licensee seeking to conduct any event or sell any alcoholic beverage (either for consumption on premises or as package sales) on any real property owned by or leased by the City of DeKalb (e.g. a special event in a public location, the sale of alcoholic beverages pursuant to a City of DeKalb sidewalk lease, or otherwise), then both the comprehensive general insurance policy and the dram shop insurance policy required hereunder shall name the City of DeKalb as additional primary and non-contributory insured, without right of subrogation, and without any limiting clauses other than those which may be acceptable to the Liquor Commissioner.

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

Manager is hereby authorized and directed to file a certified copy of this Ordinance with the State of Illinois, Illinois Department of Revenue, immediately hereafter, and to subsequently take all such action as shall be necessary to effectuate the prompt collection and enforcement of the taxes imposed herein by the State of Illinois. The Illinois Department of Revenue shall have the full power to administer and enforce the provisions of this Ordinance.

**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: December 12, 2017. Effective date: December 21, 2017.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 11<sup>th</sup> day of December, 2017, and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

**ATTEST:**

  
SUSANNA HERRMANN, City Clerk

