

ORDINANCE 2019-023

PASSED: FEBRUARY 25, 2019

AMENDING CHAPTER 38, SECTION 38.01 "DEFINITIONS", SECTION 38.07 "CLASSIFICATION OF LIQUOR LICENSES", AND SECTION 38.13 "RESTRICTIONS APPLICABLE TO HOSPITALITY SALES" OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS.

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

WHEREAS, the City presently maintains provisions of Chapter 38 of the City Code relating to the regulations applicable to sale of alcoholic beverages within the corporate limits of the City, and wishes to adopt revisions thereto to permit the sale and consumption of alcoholic beverages at indoor sports simulator facilities; and,

WHEREAS, the City Council has determined that it is necessary and appropriate to amend said regulations to include the following restrictions, so as to protect and promote the public health, safety, welfare 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 Amended.

Section 38.01, "Definitions" shall be amended with the insertion of the following definition:

Indoor Sports Simulator Facility: A public place equipped with one or more electronic sports simulators (being a combination of audiovisual equipment and computers utilized to permit the simulation of one or more sports such as golf, baseball, soccer or other sports, by one or more participants, within an enclosed and conditioned building). Outside of a permitted area for Bar Sales, if any, the Sale of Alcoholic Liquors shall only be made to persons who are actively engaged in playing or spectating a sports simulation.

Section 38.07, "Classifications of Liquor Licenses", subsection (e) shall be amended as follows:

e) Hospitality.

1. Hospitality licenses shall be available for Hotels, Banquets, **Indoor Sports Simulator Facilities** and Bowling Alleys. They shall also be available to Bars and Restaurants as contemplated above.
2. For establishments that are full-time Hospitality Licensees, the entirety of the Building shall be deemed to be the Permitted Area for Hospitality Sales.

- (a) In the event that a Restaurant or Bar wishes to also have a Hospitality License for Banquet Sales, it shall submit a floor plan showing a designated Banquet Area. The Banquet Area may be an area that is used for Bar or Restaurant purposes when not in use as a Banquet Facility. However, it must be capable of being physically separated (by a wall, half-wall, stairs/grade separation or other separation acceptable to the Liquor Commissioner) from the Bar or Restaurant Area of the Building when in use for Banquet purposes. Unless an area is expressly reserved for Banquet use at all times and is used for no other purpose, the Licensee shall give the City not less than 72 hours written notice of its intent to use the Banquet Area for Banquet purposes (and shall describe the nature and duration of the Banquet event contemplated). No separate City approval shall be required for Banquet use of the facility, provided that timely notice has been provided.
 - (b) A Bar that provides a Banquet Area must offer restroom facilities for patrons in the Banquet Area that can be accessed without entering any designated Bar Area that would be in use at the time of the Banquet. The Liquor Commissioner may require such additional maps, floor plans, or descriptions as shall be necessary to evaluate a request for a supplemental Hospitality License for Banquet Sales.
3. Hospitality Licensees shall engage only in sales of Alcoholic Liquors for consumption on the Premises. Hospitality Licensees shall not engage in Package Sales that are not intended for consumption on premises.
4. Hospitality Licensees may also apply for and obtain for Live Entertainment, Outdoor Special Event and Caterer Event permits.
5. Hospitality Licensees shall be eligible for a Tasting Permit.
6. A Hotel operating with a Hospitality License may operate a Hospitality license, Bar license and Restaurant license as one common license, provided that all liquor related operations of the Hotel are under common ownership and management. The license fees applicable to said license shall be the highest of the applicable fees for any of the sub-licenses.

Section 38.13, "Restrictions Applicable to Hospitality Sales" shall be amended as follows:

38.13 Restrictions Applicable to Hospitality Sales

- a) Any Sale of Alcoholic Liquors under a Hospitality liquor license shall only be permitted where the Sale of Alcoholic Liquors is incidental to the primary business of the Licensee, of being a **Indoor Sport Simulator Facility** Bowling Alley, Hotel or Banquet Facility (or incidental to use of the facility as a Restaurant or Bar, if licensed for such purpose).

- b) Hospitality Sales shall not be permitted to include any Package Sales of Alcoholic Liquors but shall permit Sale for consumption on premises only.
 - 1. Hotels may apply for authorization from the Liquor Commissioner to display for sale Alcoholic Liquors within guest rooms in the original, sealed container within a “minibar” or other similar display, provided that such sales are intended for consumption on the premises only. The Liquor Commissioner may permit such displays, subject to any security requirements that the Liquor Commissioner may require.
 - 2. Hotels that maintain a Hospitality liquor license may operate with designated portions of their facility operating with Hospitality, Restaurant and Bar licensure. Such areas shall be clearly denoted on the floor plan of the premises provided to the City, and each designated area shall be subject to the restrictions applicable to that form of licensure.

- c) An establishment with a Hospitality License may apply for permission to maintain a Permitted Area for Bar Sales, which shall be subject to all applicable Bar Sales restrictions, and subject to approval by the Liquor Commissioner. Any such Permitted Area for Bar Sales shall be subordinate in nature, use and size to the primary use of the Premises and Building for Hospitality Sales, and any approval shall be in the Liquor Commissioner’s discretion. No Permitted Area for Bar Sales under a Hospitality license shall be allowed to engage in Package Liquor Sales.
 - 1. A Bowling Alley or **Indoor Sport Simulator Facility** may apply for permission to maintain a Permitted Area for Restaurant Sales **or Bar Sales**, which shall be subject to all applicable Restaurant Sales restrictions, subject to approval by the Liquor Commissioner. Any such Permitted Area for Restaurant Sales **or Bar Sales** shall be subordinate in nature, use and size to the primary use of the Premises and Building as a Bowling Alley **or Indoor Sport Simulator Facility**, and any approval shall be in the Liquor Commissioner’s discretion.
 - 2. **Provided that any designed Bar Area remains locked and inaccessible to the public outside of the lawful hours of service for such area, the remaining area of any Bowling Alley or Indoor Sport Simulator Facility (e.g. the bowling alley portion or the sport simulator portion) shall be permitted to remain open to the public and in-use at any time.**

- d) Other than a Permitted Area for Bar Sales (which shall be restricted to persons over the age of 21), a Hospitality Licensee is permitted to allow comingling of persons over and under the age of twenty-one (21) within the Permitted Area for Hospitality Sales, and there shall not be a limitation that Alcoholic Liquors only be delivered with Real Food. It shall continue to be unlawful to sell, deliver or permit the sale, delivery, possession or consumption of Alcoholic Liquors by a person under the age of twenty-one (21) subject to the terms provided within the balance of this Code.

- e) Where a Bar or Restaurant applies for and obtains a Hospitality License for Banquet use, the Permitted Area for Banquet use shall be subject to these Restrictions Applicable to Hospitality Sales when such area is in permitted to be used for Hospitality Sales and shall be subject to the restrictions applicable to Bar Sales or Restaurant Sales, as applicable, at all other times.

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.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 25th day of February 2019 and approved by me as Mayor on the same day. First Reading passed on February 11, 2019 by an 8-0 roll call vote. Aye: Jacobson, Finucane, Stuepegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading passed by a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Stuepegia, Fagan, Verbic, Faivre, Smith. Nay: None. Absent: Noreiko.

ATTEST:


LYNN A. FAZEKAS, City Clerk


JERRY SMITH, Mayor

