

ORDINANCE NO. 17324

AN ORDINANCE AMENDING THE JOLIET LIQUOR CODE

WHEREAS, the City of Joliet is a home rule unit of local government; and

WHEREAS, a Class J liquor license authorizes the sale on the specified premises of alcoholic liquor by a unit of government for consumption on the premises only. This class of license permits entertainment on the licensed premises and may include area situated outside of a permanent structure; and

WHEREAS, the annual license fee for a Class J (Governmental) liquor license is \$750.00; and

WHEREAS, a Not-For-Profit organization seeking to sell alcoholic liquor for consumption on the licensed premises is currently required to obtain a Class A (Package-Premises), Class B (Premises) or Class E (Restaurant and Hotel) license should it not come within the guidelines for a Class F (Club Member) license; and

WHEREAS, the annual license fees for Class A, B and E liquor licenses range from \$1,200.00 to \$1,000.00; and

WHEREAS, Class A, B, and E liquor licenses do not permit entertainment on the licensed premises without a Class M (entertainment) permit. The licensed premises for the Class A, B and E licenses do not include area situated outside of a permanent structure without a Class O (Outdoor, Beer Garden) permit; and

WHEREAS, the Mayor and City Council have determined that Not-for-Profit organizations shall be entitled to the same rights and benefits as afforded to units of government holding a Class J license; and

WHEREAS, the Mayor and City Council have determined that a Not-for-Profit organization is an educational, civic or religious organization or other similar not-for-profit corporation; and

WHEREAS, the Mayor and City Council have determined that the Class J license shall be expanded to include Not-for-Profit organizations; and

WHEREAS, the Mayor and City Council have determined that the hours of operation for holders of a Class J license shall be 10:00 a.m. until 2:00 a.m. the following day.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS AS FOLLOWS:

SECTION 1: Section 4-1 of the Joliet Liquor code is hereby amended in its entirety to read as follows:

Sec. 4-1. Definitions.

Unless the context otherwise requires, the following terms as used in this chapter shall have the meanings respectively ascribed to them by this section:

Accessory premises. Private real estate that is owned, leased, licensed or otherwise controlled or available for use by the licensee and that is accessory to the licensed premises. This shall include, but shall not be limited to, private parking facilities and driveways and private pedestrian areas available for use by licensee's customers, whether or not such locations are exclusively controlled by the licensee or are exclusively used by licensee's customers.

Alcohol. The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic liquor. Includes the four (4) varieties of liquor defined in this section, i.e., alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings.

Applicant. The person or persons required to sign the application for liquor license pursuant to this chapter.

Beer. A beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops of water, and includes, among other things, beer, malt liquor, ale, stout, lager beer, porter and the like.

Club.

- (1) A patriotic or veterans' society organized under the laws of the United States or the State of Illinois, or
- (2) A corporation organized under the laws of the United States or the State of Illinois but not [for] pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests; provided that such club files with the mayor at the time of its application for a license under this chapter two (2) copies of a list of names and residences of its members and similarly files within ten (10) days of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of director or other governing body out of the general revenue of the club.

Commissioner. Liquor commissioner or his deputies.

Entertainment. The offering or permitting of any amusement including live performances, vaudeville, acting, dancing, contests, disc jockey using prerecorded music or gaming devices licensed by the State of Illinois. Entertainment shall not be construed to include radio, television, coin-operated game machines (including games activated by other forms of money) or electronic reproduction of music not accompanied by a disc jockey or in person announcer.

Hotel. Any public area held out to the public as a place where sleeping accommodations are offered for consideration whether on a transient or permanent basis.

Licensee. That person or persons named in the retail liquor license and shall include all officers, partners, agents or employees.

Minor. Any person under the age of twenty-one (21) years.

Not-for Profit Organization. An educational, civic or religious organization or other similar not-for-profit corporation.

Original package. Any bottle, flask, jug, can, cask, barrel, keg, hogshed or other receptacle or container of whatsoever kind, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

Person. Any individual, corporation, partnership, business, charitable, or religious association, or other legal entity.

Premises. That area as described in the application where alcohol is served, stored or sold and areas internally connected thereto by doorway which areas are integrally related to the operation of the licensed establishment.

Restaurant or banquet facility. Any public accommodation where food is regularly sold for consumption on or off the premises, provided such facility is properly licensed as a food service establishment, and provided further that over one-third (1/3) of the gross revenue of the premises is derived from the sale of such food. Such area shall not include the lounge area or bar of the premises.

Retail sale. The sale for use or consumption and not for resale in any form.

Sale (to sell). Any transfer, or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, whether as principal, proprietor, agent, servant, or employee, and includes, but is not limited to, all of the following acts:

- (a) The selling of alcoholic liquor;
- (b) The giving away of alcoholic liquor;
- (c) The dispensing of alcoholic liquor;
- (d) The providing of mix, ice, water or glasses for consumption of alcoholic liquor on premises;
- (e) The pouring of alcoholic liquor;
- (f) The providing of "set-ups" containing alcoholic liquor;
- (g) The storage of any alcoholic liquor.

Spirits. Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whisky, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Wine. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in this section.

SECTION 2: Section 4-15 of the Joliet Liquor Code is hereby amended in its entirety to read as follows:

Sec. 4-15. Classes of licenses.

Upon proper application, notice and hearing, the liquor commissioner may issue liquor licenses in the following classes with the prior concurrence of the city council as set forth in subsection 4-13(c) of the city liquor code.

(a) *Class A license* shall authorize the sale on the specified premises of alcoholic liquor for consumption on the premises and also authorize the sale of alcoholic liquor in its original package not for consumption on the premises. This class shall not permit entertainment on the licensed premises without a Class M permit.

(b) *Class B license* shall authorize the sale on the specified premises of alcoholic liquor for consumption on the premises only. This class shall not permit entertainment on the licensed premises without a Class M permit.

(c) *Class C license* shall authorize the sale on the specified premises of alcoholic liquor in its original package not for consumption on the premises. This class shall not permit entertainment on the premises without a Class M permit.

Upon proper application, the liquor commissioner may permit, without charge, bona fide tastings of wine, beer and other alcoholic liquor. The application must be submitted to the liquor commissioner more than seven days prior to the date of the proposed tasting. A bona fide tasting of wine, beer and other alcoholic liquor shall be limited as follows: no single serving of wine shall exceed one ounce (1 oz.), no single serving of beer shall exceed two ounces (2 oz.), and no single serving of any other alcoholic liquor shall exceed one fourth of an ounce (1/4 oz.). Said tasting shall be part of a supervised promotion, temporary in nature, for the purpose of disseminating product information and education with consumption of alcoholic products being an incidental part of the presentation. Sampling shall be under the supervision of the license holder or duly authorized agent and be conducted in a manner which will confine the consumption on the premises solely for the purpose of providing samples in connection with anticipated sales.

(d) *Class C-D license* shall authorize the sale on the specified premises of beer and wine in its original package not for consumption on the premises. This class shall not permit entertainment on the premises without a Class M permit.

Upon proper application, the liquor commissioner may permit, without charge, bona fide tastings of wine and beer. The application must be submitted to the liquor commissioner more than seven days prior to the date of the proposed tasting. A bona fide tasting of wine and beer shall be limited as follows: no single serving of wine shall exceed one ounce (1 oz.) and no single serving of beer shall exceed two ounces (2 oz.). Said tasting shall be part of a supervised promotion, temporary in nature, for the purpose of disseminating product information and

education with consumption of alcoholic products being an incidental part of the presentation. Sampling shall be under the supervision of the license holder or duly authorized agent and be conducted in a manner which will confine the consumption on the premises solely for the purpose of providing samples in connection with anticipated sales.

(e) *Class D license* shall authorize the sale on the specified premises of beer and wine for consumption on the premises only. This class shall not permit entertainment on the licensed premises without a Class M permit.

(f) *Class E license* shall authorize the sale on the specified premises of a restaurant or hotel for consumption on the premises only, where alcohol is served at tables only, as an integral part of a food service operation. This class shall not permit entertainment on the licensed premises without a Class M permit.

(g) *Class F license* shall authorize the sale of alcoholic liquor upon the specified premises for consumption on the premises only, to club members and guests who are personally accompanied by a club member. This class shall not permit entertainment on the licensed premises without a Class M permit.

(h) *Class G license* shall authorize the sale of alcoholic liquor pursuant to an agreement entered into between the applicant and the city in the area known as the Chicago Street Mall (Van Buren Plaza) for no longer than a 48-hour period. Said Chicago Street Mall Area shall be limited to the following streets and sidewalks immediately adjacent thereto. Chicago Street between Jefferson and Cass Streets; Van Buren between 275 feet east of the center line of Chicago Street and the Ottawa Street Parking Deck. This class shall permit entertainment on the licensed premises.

(i) *Class J license* shall authorize the sale on the specified premises of alcoholic liquor by a unit of government or not-for-profit organization for consumption on the premises only. The licensed premises may include area situated outside of a permanent structure. This class shall permit entertainment on the licensed premises.

(j) *Class K license* shall authorize the sale of alcoholic liquor at one (1) or more locations on the specified premises of an outdoor air stadium having a permanent seating capacity of not less than four thousand (4,000) persons for consumption on the premises only. This class shall permit entertainment on the licensed premises.

(k) *Class L license* shall authorize the sale of alcoholic liquor on the specified premises for consumption on the premises. A Class L license may only be issued to an entity holding an occupational license issued by the state gaming board as set forth in the Riverboat Gambling Act (230 ILCS 101). An entity may hold more than one (1) Class L license. This class shall permit entertainment on the licensed premises.

(l) *Class P license* shall authorize the sale of beer and wine on the premises of the Billie Limacher Will-Joliet Bicentennial Park. A Class P license may only be issued to a not-for-profit corporation authorized by the city to operate the Will-Joliet Bicentennial Park. Only one Class P license shall be issued. This class shall permit entertainment on the licensed premises.

(m) *Class O license* shall authorize a holder of a Class O liquor permit to sell alcoholic liquor for consumption outside of the permanent structure containing the licensed premises in a location

designated by the liquor commissioner.

(1) Types of Class O licenses. There shall be two (2) types of Class O licenses. The midnight license shall authorize the operation of the Class O premises until midnight on any day that the licensee is permitted to operate. The full license shall authorize the operation of the Class O premises during the permitted hours of operation established by the licensee's base license classification, including any liquor permits the licensee may hold.

(2) License approval. Conditions. The issuance of a Class O liquor license shall require the concurring majority vote of those members of the mayor and city council present at the meeting that the license application is presented for final action. A Class O liquor license can be made subject to any condition or requirement applicable to a Class O liquor permit.

(3) Ineligibility. A Class O liquor license shall not be issued to any licensee (including any person whose identity must be disclosed as part of the license application process pursuant to section 4-11 of this Code) that has been convicted within the twelve-month period preceding application of disorderly conduct, disturbing the peace or a comparable offense or ordinance violation involving misconduct unreasonably affecting the quiet use and enjoyment of nearby properties, that is fairly related to the operation of the licensed premises. Such a conviction can also be the basis for the revocation or non-renewal of a Class O license, subject to a licensee's right to notice and an opportunity to be heard in accordance with the Joliet Liquor Code.

(4) Notice. With respect to applications for a Class O license submitted by Class O permit holders, the application shall be referred to the city council for final action within sixty (60) days of the adjournment of the liquor hearing conducted by the liquor commissioner. The liquor commissioner shall give notice of the city council meeting in accordance with subsection 4-13(a) of this Code.

(n) A Class A, B, C, C-D, D or F license may not be originally issued to any person to sell alcoholic liquor within a Redevelopment Project Area under the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq. (the "TIF Act"), or within 1,000 feet thereof, unless: (a) the proposed licensed premises is covered by an agreement approved by the mayor and city council which provides for the rehabilitation of a building within said area or which otherwise specifically authorizes the issuance of a liquor license; or (b) in the case of a Class C or C-D license, the proposed licensed premises is a permanent structure having a gross floor area of not less than ten thousand (10,000) square feet, the principal business of the proposed licensee is the sale of food products for consumption off the premises, and the sale of alcoholic beverages constitutes less than ten (10) percent of the proposed licensee's gross sales. In addition, the commissioner may impose reasonable conditions and restrictions on a license issued in a Redevelopment Project Area, or within 1,000 feet thereof, including, but not limited to, restricting the types of alcoholic liquor that may be sold, specifying the hours that alcoholic liquor can be sold, and other requirements that are fairly related to the sale of alcoholic liquor. This subsection shall not apply to any licensee who has been issued a liquor license for a premises in a Redevelopment Project Area, or within 1,000 feet thereof, prior to October 1, 2012.

SECTION 3: Section 4-23 of the Joliet Liquor Code is hereby amended in its entirety to read as follows:

Sec. 4-23. License Fees

(a) The liquor commissioner shall levy and collect the following fees for the original issuance or renewal of liquor licenses, liquor permits and for other transactions.

(1) The annual license fees for liquor licenses shall be as follows:

<u>License Class</u>	<u>Annual License Fee</u>
Class A (Package-Premises)	\$1,200.00
Class B (Premises)	\$1,100.00
Class C (Package)	\$1,100.00
Class C-D (Package - Beer and Wine)	\$900.00
Class D (Premises - Beer and Wine)	\$750.00
Class E (Restaurant and Hotel)	\$1,000.00
Class F (Club), up to 250 members	\$350.00
Class F (Club), up to 251 - 500 members	\$500.00
Class F (Club), 501 or more members	\$1,000.00
Class G (Chicago Street Mall/Van Buren Plaza)	\$50.00
Class J (Governmental and Not-for-Profit)	\$750.00
Class K (Stadium)	\$1,700.00
Class L (Riverboat—Related Facility)	\$1,300.00
Class O (Midnight License)	\$400.00
Class O (Full License)	\$800.00
Class P (Bicentennial Park)	\$750.00

(2) The annual permit fees for liquor permits are as follows:

<u>Permit Class</u>	<u>Annual Permit Fee</u>
Class H (Extra Hours)	\$200.00
Class M (Music and Entertainment)	\$200.00
Class O (Outdoor, Beer Garden)	\$400.00
Class SE (Special Event)	\$1,000.00
Class T (Temporary)	\$50.00

(3) Fees for other transactions are as follows:

<u>Transaction</u>	<u>Fee</u>
Liquor License Application Fee	\$100.00
Liquor Permit Application Fee	\$50.00
Change in Location of Licensed Premises	\$50.00
Expansion of Licensed Premises	\$50.00
License Reclassification (Section 4-20(a))	\$50.00
License Reclassification (Section 4-20(c))	\$50.00
Fingerprinting Fee	\$75 or agency fee (whichever is higher)

(b) Installments. The annual fees for liquor licenses and liquor permits shall be paid in two equal installments. The first installment shall be paid at the time the original application or the renewal application is submitted to the liquor commissioner. The second installment shall be paid prior to the first day of July following, or six months from the anniversary date of the issuance of the original license for any person who has been issued a new liquor license after October 1, 2012.

(c) No refund. No refund of any fee shall be made to any licensee.

SECTION 4: Section 4-30 of the Joliet Liquor Code is hereby amended in its entirety to read as follows:

Section 4-30. Hours of operation.

(a) It shall be unlawful to remain open for business or to admit the public to any licensed premises, or to sell or offer for sale at retail or offer to give away on any licensed premises any alcoholic liquor in the city, except during the following hours:

- (1) Sundays, 10:00 a.m. until 12:00 midnight, except that the holder of a Class H permit may remain open until 2:00 a.m. Monday morning.
- (2) Mondays through Thursdays, 6:00 a.m. until 1:00 a.m. the following day, except the holder of a Class H permit may remain open until 2:00 a.m.
- (3) Fridays and Saturdays, 6:00 a.m. until 2:00 a.m. the following day except the holder of a Class H permit may remain open until 3:00 a.m.
- (4) Christmas Eve closing time shall be 12:00 midnight and on New Year's Eve closing time shall be 3:00 a.m. on January 1.
- (5) No sale of alcoholic liquor is permitted on any premises holding a Class C license after 12:00 a.m. (midnight) on any day, prior to 6:00 a.m., Monday through Saturday, or prior to 10:00 a.m. on Sunday.
- (6) No sale of alcoholic liquor is permitted on any premises holding a Class J license after 2:00 a.m. and prior to 10:00 a.m. on any day.
- (7) No sale of alcoholic liquor is permitted on any premises holding a Class K license prior to 10:00 a.m. or after 10:00 p.m. on any day.

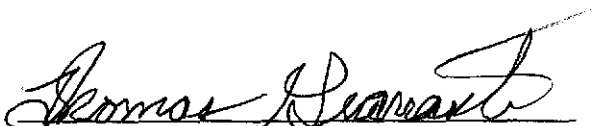
- (b) Notwithstanding (a) above, it shall be lawful for the holders of a Class G license to remain open for business only as permitted by the terms of that license and lease pursuant thereto.
- (c) Restaurants or hotels whose premises are licensed under the chapter shall be permitted to remain open other than the hours established by subsection (a) above, however, no licensee or his agent or employee shall sell any alcoholic liquor except during the hours permitted in subsection (a) above.
- (d) On those days designated by law to change from or to Standard Time the actual permitted hours of operation shall not be affected and a licensed premises shall close on such days as if the time change had not occurred.

SECTION 5: The Liquor Control Commissioner is hereby authorized to convert the license classification of all Not-for-Profit organizations holding a Class A, B or E license at the time this ordinance takes effect to a Class J license.

SECTION 6: This Ordinance is severable and the invalidity of any portion hereof shall not be deemed so as to invalidate the remainder.

SECTION 7: This Ordinance shall take effect upon its passage.

PASSED this 6th day of January, 2015.


MAYOR


CITY CLERK

VOTING YES: Mayor Giarrante and Councilwoman Gavin, Councilmen Gerl, Hug, Morris, O'Dekirk, Councilwoman Quillman and Councilman Turk.

VOTING NO: None.

NOT VOTING: Councilman McFarland (absent).

COUNCIL MEMO #8-15

OFFICE OF THE MAYOR

Thomas C. Giarrante
Mayor
(815) 724-3700
Fax (815) 724-3715



150 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60432-4158

December 30, 2014

TO: City Council

FROM: Mayor Thomas C. Giarrante, Liquor Commissioner

SUBJECT: *An Ordinance Amending the Joliet Liquor Code*

BACKGROUND

The Joliet Liquor Code permits a not-for-profit organization to apply for and receive a variety of licenses, specifically a Class A, B, or E license. In certain instances a not-for-profit may also qualify for a Class F "Club" license depending on its structure and membership. These current classifications are not the most suitable for the operation of some not-for-profit organizations as they do not operate seven days a week as is typical for most licensed businesses. A Class J license that currently authorizes units of government to sell alcoholic liquor for consumption on the premises is more akin to the needs of not-for-profit organizations. This license classification also allows for entertainment and allows the licensed premises to include area situated outside of a permanent structure. Additionally, the license fee for a Class J license is only \$750.00 whereas the fees for Class A, B and E licenses range from \$1,200.00 to \$1,000.00. Also, the fees cited above for a Class A, B or E license do not include the permit fees if a licensee has entertainment or an outdoor area or beer garden. Based on the foregoing, the characteristics of a Class J license are more appropriate for a not-for-profit organization and said license class should be expanded to include not-for-profit organizations.

The attached ordinance amends Sections 4-1, 4-15, 4-23, and 4-30 to allow not-for-profit organizations to receive a Class J license and pay the \$750.00 annual license fee. Section 4-1 is amended to include a definition of Not-for-Profit Organizations and Section 4-30 is amended to allow Class J licenses to operate from 10:00 a.m. until 2:00 a.m. the following day.

RECOMMENDATION

The Liquor Commissioner's Office recommends approval of the attached ordinance.

Respectfully submitted,

Mayor Thomas C. Giarrante
Liquor Commissioner

Concurrence:

James Murphy
Deputy Liquor Commissioner