

ORDINANCE NO. 24-43

**AN ORDINANCE AMENDING PORTIONS OF SECTION 4-83 OF CONCERNING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE MACOMB MUNICIPAL CODE**

PREAMBLE

**WHEREAS**, the City of Macomb (“the City”) is a municipality duly organized under the laws of the State of Illinois; and

**WHEREAS**, the City is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require;

**WHEREAS**, the Mayor and City Attorney recommend to the Council for its consideration and approval an amendment to Section 4-83 of the Municipal Code of Macomb, Illinois (the “Code”) concerning Alcoholic Beverages as set forth in the Exhibit attached hereto and incorporated herein; and

**WHEREAS**, the City Council has received the recommendation and concurrence from the General Government Committee and desires to concur with that recommendation to amend Section 4-83 of the Municipal Code of the City of Macomb concerning Alcoholic Beverages as set forth in the exhibit attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

**Section 1. Incorporation of Preamble.** The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

**Section 2. Amendments.** That Section 4-83 of the Municipal Code Alcoholic Beverages shall be amended as set forth in the Exhibit, attached to and incorporated into this Ordinance.

**Section 3. Severability Clause.** If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**Section 4. Effective Date.** This Ordinance shall be effective upon its passage, approval and publication, as provided by law.

Presented this 16th day of September, 2024.

First Reading: 16th day of September, 2024.


Second Reading: 7th day of October, 2024.

Passed this 7th day of October, 2024.

Approved this 8th day of October, 2024.

Recorded in City records this 8th day of October, 2024.

Published in pamphlet form this 8th day of October, 2024.

  
Michael J. Inman, Mayor

ATTEST: (SEAL)

  
Renee Lotz, City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: Dorsett, Wynn, Moon, Schuch, Vigezzi, Shabazz

NAYS: None

ABSENT: Ashley Katz

ABSTAIN: None

## Exhibit A.

### Sec. 4-83. Supplementary licenses.

#### (1) Class OC license.

- a. Class OC outdoor café license shall permit the retail sale of alcoholic liquor by any person holding a class R or class B license within the area designated as historic district whose business fronts upon a sidewalk designated in an outdoor café permit adjacent to the licensed premises during the hours of 11:00 a.m. to 10:00 p.m., Monday through Saturday, and 12:00 p.m. (noon) to 9:00 p.m. on Sunday, provided that a valid outdoor café permit has been issued, pursuant to sections 14-131—14-~~140~~150. The license shall also permit the sale of alcoholic liquor by any person holding a class R or class B license in an outdoor dining area adjacent to the licensed premises. A class A license holder may seek a class OC license if there is a food component to the operation of their business.
- b. The outdoor café designated area must be clearly delineated so there is no question as to the licensed premises and the area within which alcoholic liquor may be sold. The area shall include a visual demarcation of the area as approved by community development ~~coordinator~~director, considering premises location, safety of patrons and pedestrians, neighborhood appearance and any other relevant factor, and must meet other City Code requirements. If the outdoor café designated area abuts a state highway or a class A liquor establishment, the area shall be bounded by a fence or other barricade approved by the community development ~~coordinator~~director at least four feet high.
- c. The outdoor café designated area may have outdoor entrance and exit points if the area will be supervised or monitored by the licensee or its agent.
- d. During the times when alcoholic liquor may be served under the class OC license, the licensee shall:
  1. Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor café permit or the service premises of the licensee.
  2. Comply with all requirements set forth in sections 14-131—14-~~140~~150.
- e. The outdoor café area shall be subject to all provisions of this chapter as though the outdoor café area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.
- f. Prior to the issuance of a class OC outdoor café license the licensee shall provide proof of dram shop insurance. The policy shall name the city as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of an outdoor café. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.
- g. No smoking is allowed in any portion of an outdoor location, with smoking being defined pursuant to the Smoke Free Illinois Act definition (410 ILCS 82/10).
- h. There shall be an additional fee for this license equal to the sum of \$100.00 ~~plus one-half the additional occupancy for the outdoor café location. For example, if occupancy in the outdoor café location is 100 additional persons, the fee would be \$100.00 + \$50.00, or \$150.00. The additional occupancy add-on shall apply to new renewals occurring after May 1, 2022.~~

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( Ord. No. 22-11 , § 2(Exh. A), 3-21-22; Ord. No. 22-53 , § 2 (Exh. B), 11-7-22; Ord. No. 23-09 , Exh. D, 2-21-23)